

TSD File Inventory Index

Date: October 4, 2001

Initial: CMH/med

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Note: Transmittal Letter to Be Included with Reports.

Comments:

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V**

DATE:

SUBJECT: CAFO for American Chemical Service, Inc.
Docket Number V-W-89-R-37

FROM: Judith Kertcher, Acting Associate
Division Director, Office of RCRA

TO: David Ullrich, Acting Director
Waste Management Division

The attached CAFO for American Chemical Service (ACS) Inc., Griffith, Indiana has been negotiated to resolve our August 4, 1989, Complaint concerning the ongoing operation of hazardous waste treatment and storage units at this facility without liability coverage for sudden accidental occurrences since March 12, 1986. ACS has agreed to demonstrate evidence of the required liability coverage within six months of March 5, 1990, or immediately cease receipt of all hazardous waste and submit a closure plan. A penalty of \$116,300 will be paid in two parts, \$65,000 within ten days of the effective date of the Order and the balance within six months of March 5, 1990.

Our initial penalty demand was \$116,300. The economic benefit of noncompliance was calculated to be \$93,800 and the gravity-based component was \$22,500. During negotiations ACS agreed to pay our full demand amount when we conceded to allow them to operate their facility for up to six months from March 5, 1990, while they continued to attempt to come into compliance. This grace period is consistent with the time limit set forth in two Headquarters guidance documents on financial responsibility requirements dated October 29, 1986, and October 10, 1989. Since the issuance of our Complaint, ACS has petitioned IDEM for a downward adjustment of the required level of financial responsibility for sudden accidental occurrences at their facility. That petition is pending review by IDEM and is acknowledged in our CAFO. IDEM's decision or lack of action on that petition will not change the deadlines established in our CAFO.

I recommend that you sign this Order and return the CAFO to my office for distribution.

Attachments

5HR-12:DBakk:be:4/23/90:6-4465

OK 4/24/90
4/24/90
5290
2P 5-3-90

INIT. DATE	TYP.	AUTH.	IL/IN TECH. ENF. SEC.	MI/WI TECH. ENF. SEC.	OH/MN TECH. ENF. SEC.	IL/MI/WI ENF. PROG. SECTION	IN/MN/OH ENF. PROG. SECTION	RCRA ENF. PR. CHIEF	O.R. A.D.D.	W.D DIR
<i>DB</i> 4/24/90	<i>DB</i>	<i>DB</i>	<i>RLB for</i> <i>4/24/90</i>					<i>WFM</i> 4/24/90	<i>KLH</i> for JAK	

Tarpo submitted the following partial estimates dated
OCT 03 1988:

Projected annual sales are \$ 7-8,000,000.

He also stated that sales for the 9 months ended Sep 30 1988 were even compared to the same period last year.

Outside sources were unable to reveal scope of immediate operations, however working capital appears to be adequate and generally financed through company sales. A current financial statement is necessary to accurately analyze this corporation. Financial condition is undetermined.

BANKING

06/88

Account(s) averages moderate 5 figures. Account open over 3 years. Non borrowing account.

HISTORY

10/04/88

JAMES TARPO, PRES

JAMES T MURPHY, V PRES-SEC

JOHN J MURPHY, V PRES-TREAS

DIRECTOR(S): THE OFFICER(S)

Incorporated Indiana Aug 22 1955. Authorized capital consists of 1,000 shares common stock, no par value.

Business started 1936 by others. Present control succeeded 1965.

100% of capital stock is owned by the officers and the trust of George R Murphy. No one individual stockholder owns the majority of the capital stock.

George R Murphy, former stockholder, passed away Dec 1986.

TARPO, born 1937 married. From 1959-66 with United States Steel Corp, Gary, IN, as engineer. Here since 1966.

JAMES T MURPHY, born 1923 married. He is a graduate of MIT and has been active here since leaving school in 1944.

JOHN J MURPHY, born 1946 married. Graduated from Purdue University in 1969 with degree in industrial engineering. Previously employed by Trane Air Conditioning 1969-71. Here since 1971.

OPERATION

10/04/88

Custom chemical processing service handling solvents from waste materials and the manufacturing of organic plasticizers.

Sells on net 30 day terms. Has 500 accounts. Sells to various industrial accounts. Territory :United States.

Nonseasonal.

EMPLOYEES: 35 including officers.

FACILITIES: Owns 20,000 sq. ft. in one story brick and steel building in good condition. Premises neat.

LOCATION: Industrial section on side street.

01-31(390 /76)

00000

062 009

ANALYST: AJE

Mercantile National Bank, Hammond, IN

FULL DISPLAY COMPLETE

IN DATE

JUNS: 01-636-0265
AMERICAN CHEMICAL SERVICE INC (

DATE PRINTED
JAN 31 1989

SUMMARY
RATING --

BC 00
GRIFFITH IN 46319
420 S COLFAX
GRIFFITH IN 46319
TEL: 219 924-4370

MFR ORGANIC
SOLVENTS &
PLASTICIZERS
SIC NO.
28 69

STARTED 1965
PAYMENTS SEE BELOW
SALES \$7-8,000,000
(PROJ)
EMPLOYS 35
HISTORY CLEAR
TREND STEADY

CHIEF EXECUTIVE: JAMES TARPO, PRES

PAYMENTS (Amounts may be rounded to nearest figure in prescribed ranges)						
REPORTED	PAYING RECORD	HIGH CREDIT	NOW OWES	PAST DUE	SELLING TERMS	LAST SALE WITHIN
01/89	Ppt	10000	-0-	-0-	N30	2-3 Mos
	Ppt	2500	-0-	-0-		2-3 Mos
	Ppt	1000	750	-0-	N30	1 Mo
	Ppt-Slow 30	1000	1000	500	N30	1 Mo
	(005)	100	-0-	-0-	N30	
	(006)	100	-0-	-0-		6-12 Mos
1 88	Ppt	1000	250	-0-		1 Mo
	Ppt	750	-0-	-0-		6-12 Mos
	Ppt	500	-0-	-0-	N30	4-5 Mos
	Ppt	250	250	-0-	N15	1 Mo
	(011)	750	-0-			
10	Ppt-Slow 15	1000				
07/88	Ppt	1000	1000	-0-		1 Mo
	Ppt	50	-0-	-0-	N30	6-12 Mos
05/88	Ppt	500				

* Payment experiences reflect how bills are met in relation to the terms granted. In some instances payment beyond terms can be the result of disputes over merchandise, skipped invoices etc.

* Each experience shown represents a separate account reported by a supplier. Updated trade experiences replace those previously reported.

FINANCE
10/04/88

	Interim Sep 1 1984	Fiscal Dec 29 1984	Fiscal Dec 28 1985
Curr Assets	1,546,021	1,189,141	1,692,207
Curr Liabs	1,021,492	702,537	689,572
Working Capital	524,529	486,604	1,002,635
Other Assets	1,925,934	1,950,393	1,259,028
Worth	2,236,463	2,436,997	2,261,663

Above comparatives are presented for reference purposes only.

On OCT 03 1988 James Tarpo, president, declined financial statement.

ECOA

**GESSLER, FLYNN, LASWELL, FLEISCHMANN,
HUGHES & SOCOL, LTD.**

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Robert G. Wexler

August 25, 1987

VIA MESSENGER

Mr. Basil G. Constantelos
Director, Waste Management Division
United States Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago, Illinois 60604

**Re: American Chemical Services CERCLA Site — Griffith, Indiana
Our File #2361.6152**

Dear Mr. Constantelos:

I am in receipt of your letter dated August 18, 1987 advising that, as of August 28, 1987 the 60-day period to present to USEPA a good-faith proposal for conducting a privately-funded RI/FS at the American Chemical Services ("ACS") Site purportedly commences as to all PRPs for the ACS Site. This letter was directed to me in my capacity as Chairman of the ACS Steering Committee. As you should be aware, the Steering Committee does not represent all PRPs which USEPA previously identified and to whom the Agency sent March 1987 notification in this matter. Rather, the Steering Committee is comprised of representatives from 26 companies; the companies which presently are participating in our effort to explore the possibility of undertaking a privately funded RI/FS number approximately 130. Approximately 200 other generator PRPs are not part of our group's activities at present, nor are any of the landowners, including ACS and the Town of Griffith. Copies of the Steering Committee and participating companies mailing lists are enclosed for your reference.

I certainly am in no position to act as USEPA's agent with respect to the approximately 200 PRPs not funding the efforts of the ACS Steering Committee. Moreover, although I will promptly transmit to the companies identified in the attachment hereto a copy of your letter, that transmittal should in no way be construed as an acknowledgment by these companies that EPA has notified them in accordance with CERCLA § 122(e). Section 122(e), as you know, places the burden squarely on the government, not the PRPs themselves, to provide special notice ("the President shall so

Basil G. Constantelos
August 25, 1987
Page - 2 -

notify all [PRPs]. . ."). Each PRP remains free to raise its own objections to the manner and propriety of notice; I have not been authorized to receive special notice on their behalf.

The remainder of this letter is addressed strictly on behalf of my firm's individual clients, although I am confident that other PRPs are equally interested in your response to the following inquiries.

Please advise me of the basis for the timing of your "special notice." It is curious that your letter was sent concurrently with that from Mr. Adamkus. Mr. Adamkus' letter, as you know, was written in response to the Steering Committee's letter of July 31, 1987, which you received, expressing the Committee's overriding concerns regarding the ACS site. As you know, my client and others have fundamental concerns regarding the CERCLA process at the ACS site; Mr. Adamkus' letter purports to address only a portion of these concerns. There are many issues left unanswered — issues which the Steering Committee had hoped to address in a face-to-face meeting. I strongly believe that the most productive way to "facilitate an agreement" for a privately-financed RI/FS is to address these issues as a preliminary matter.

While the Steering Committee will respond at a later date to Mr. Adamkus' letter, we note that Mr. Adamkus failed to address the following concerns:

In narrowing the PRP group in 1986, EPA claimed it had no reason to believe that post-1975 operations of ACS have caused or are contributing to site contamination. Currently available information shows that USEPA's earlier assumption may have been in error. Perpetuation of error hardly justifies excluding post-1975 generators.

Mr. Adamkus states in his letter that ACS sent materials to the adjacent drum reconditioning site and the Town landfill and that, therefore, the customers of ACS can be held accountable for any contamination of these adjacent areas. This in no way responds to the Steering Committee's concern that the customers of the drum reconditioner and the Town other than ACS have not been identified and notified of their status as PRPs.

USEPA has repeatedly stated that the RCRA facility is not subject to RCRA's corrective provisions based on a case-specific determination of willingness to undertake corrective action. We have yet to ascertain the factual basis for USEPA's conclusion. Nor has the Agency advised us of any efforts it has undertaken to reach this bare conclusion. It appears, based on what we have been told by Agency representatives, that USEPA has relied only on the untested statement of ACS that it is "not currently willing to solely fund an RI/FS at its site."

Basil G. Constantelos
August 25, 1987
Page - 3 -

Finally, we are perplexed by the timing of your attempted "special notice." We trust that you are aware the Steering Committee, from its inception, has acted in good faith and in a non-dilatory manner, notwithstanding the PRP group's fundamental concerns as outlined by our July 31, 1987 letter to you and others at the Agency. To that end, by letter dated July 20, 1987, the Steering Committee, in accordance with Ms. Puchalski's instructions, transmitted to the Agency a framework, for modifying the pre-SARA work plan prepared by the Agency. The Agency was to advise the Steering Committee if this framework was acceptable before modifications to the specific language of the work plan were developed. We are still waiting for an Agency response to the suggested work plan framework. It seems quite unreasonable that USEPA has attempted to issue special notice at a time when the next step in the development of the work plan remains to be taken by the Agency.

I await your reply.

Very truly yours,

GESSLER, FLYNN, LASWELL, FLEISCHMANN,
HUGHES & SOCOL, LTD.



Andrew H. Perellis

AHP:cc

Enclosures

cc: Thomas Adams, Esq.
General Counsel
United States Environmental
Protection Agency
401 M. Street, S.W.
Washington, D.C. 20460

Mr. Valdas V. Adamkus
Regional Administrator
United States Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago, Illinois 60604



INDIANAPOLIS

STATE BOARD OF HEALTH
AN EQUAL OPPORTUNITY EMPLOYER

Address Reply to:
Indiana State Board of Health
1330 West Michigan Street
P.O. Box 1964
Indianapolis, IN 46206-1964

Mr. James Tarpo
American Chemical Services, Inc.
420 South Colfax Avenue
Griffith, IN 46319

RECEIVED

July 1, 1985

JUL 8 1985

Dear Mr. Tarpo:

U.S. EPA, REGION V
WASTE MANAGEMENT DIVISION
HAZARDOUS WASTE ENFORCEMENT
Re: Request for information
Waste Disposal at Gary
Development Company, Inc.
Gary, Indiana

This is to request copies of any hazardous waste manifests maintained by American Chemical Service, Inc., for wastes shipped to Gary Development Company, Inc., at 479 North Cline Avenue, Gary, Indiana (EPA Identification No. 077005916).

Earlier inspections at American Chemical Services, Inc., indicated that approximately 33 shipments of hazardous waste, labeled "F005," were sent by manifest to Gary Development in 1981. We would appreciate receiving copies of these and any other manifests for hazardous wastes shipped to this site.

It is also our understanding that other shipments of the same material were erroneously sent without manifests to this site until early 1981. We would appreciate any information you may have on these shipments as well as any other hazardous wastes generated by your firm which were transported to Gary Development Company, Inc., for disposal.

This request is necessitated by Gary Development Company's desire to undergo closure as a hazardous waste disposal facility and will aid us in determining the required nature and extent of closure activities at this site.

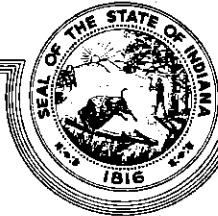
Thank you for your cooperation and assistance in this matter.

Very truly yours,

Guinn Doyle, Chief
Hazardous Waste Management Branch
Division of Land Pollution Control
317/243-5021

TLR/csc
cc: Ms. Sally Swanson, U.S. EPA, Region V ✓

STATE OF INDIANA



INDIANAPOLIS

STATE BOARD OF HEALTH
AN EQUAL OPPORTUNITY EMPLOYER

Address Reply to:
Indiana State Board of Health
1330 West Michigan Street
P. O. Box 1964
Indianapolis, IN 46206-1964

March 29, 1985

President
Gary Development Company, Inc.
479 North Cline Avenue
Gary, IN 46406

Dear Sir:

Re: U.S. EPA I.D. #IND 077005916

Our records indicate that the above-referenced facility has not submitted proof of financial assurance for closure/post-closure or liability coverage as required by the Indiana RCRA financial assurance rules, 320 IAC 4-7-1 through and including 320 IAC 4-7-36, a copy of which has been enclosed. Failure to respond to this notice within 30 days will result in initiation of an administrative enforcement action. If you have any questions regarding this matter, please contact me at AC 317/243-5046.

Very truly yours,

Jeffrey W. Stevens
Division of Land Pollution Control

JWS/sk
Enclosure
cc: Ms. Sally Swanson, U.S. EPA, Region V

BARNES & THORNBURG

1313 MERCHANTS BANK BUILDING
INDIANAPOLIS, INDIANA 46204

TELEPHONE
(317) 638-1313

TELECOPIER
(317) 261-9433

TWX 810-341-3427 B&T LAW IND

SIXTH FLOOR, 1ST SOURCE BANK CENTER
100 NORTH MICHIGAN
SOUTH BEND, INDIANA 46601
(219) 233-1171

FIRST NATIONAL BANK BUILDING
301 SOUTH MAIN STREET, SUITE 305
ELKHART, INDIANA 46516
(219) 293-0681

SUITE 500
1815 H STREET, N.W.
WASHINGTON, D.C. 20006
(202) 955-4500

TO CALL WRITER DIRECT

(317) 261-9284

Mr. Rich Shandross
U.S. Environmental
Protection Agency
230 South Dearborn St.
Chicago, IL 60604

Re: Gary Development Company, Inc.

Dear Rich:

This letter is to inform you that this law firm no longer represents Gary Development Company, Inc. All future correspondence relating to Gary Development should be sent directly to Lawrence Hagen, Gary Development Company, Inc., 479 North Cline Avenue, P. O. Box 6056, Gary, Indiana, 46404. Thank you very much for your cooperation.

Sincerely,

John M. Kyle, III

cc: Lawrence Hagen, Gary Development Co.

JMK/cn

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HOWARD E. KOCHHELL
RONALD E. CHRISTIAN
MARK C. KRCMARIC
B. BRIAN GILLENWATER
M. SUE MICHAEL

* ADMITTED IN D.C. BUT NOT IN INDIANA

March 20, 1984
MAR 22 1984

WASTE MANAGEMENT
BRANCH

(219) 744-7858



American Chemical Service, Inc.

P.O. Box 190 • Griffith, Indiana 46319
(219) 924-4370 • Chicago Phone (312) 768-3400

IND 016 360 265

ATTACHMENTS ARE
CONFIDENTIAL

Confidentiality claim denied by Office
of Regional Counsel 4/17/85

June 3, 1983

William H. Miner, Chief
Technical, Permits, and Compliance Section
United States Environmental Protection Agency
Region V
230 South Dearborn St.
Chicago, Illinois 60604

Subject: Response to April 29, 1983 letter

Gentlemen:

Attached is the supplementary information requested in your letter dated April 29, 1983.

We have included a copy of our personnel training guide 264.16. Several references are made to it in our response.

In addition we are declaring it all to be confidential and have marked it so.

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information. I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment."

Yours truly,

AMERICAN CHEMICAL SERVICE INC.

James Tarpo
James Tarpo, President

Enclosure

022-21

cc: Indiana State Board of Health
Attn: Bruce Palin

RECEIVED

JUN 06 1983

WASTE MANAGEMENT
BRANCH

received
6-6-83

COPY 2

13 OCT 1989

5H-12

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James Tarpo, President
American Chemical Service, Inc.
P.O. Box 190
Griffith, Indiana 46319

Re: Off-site Policy
American Chemical Service, Inc.
IND 216 360 265

Dear Mr. Tarpo:

On November 5, 1985, the United States Environmental Protection Agency (U.S. EPA), established the "Procedures for Planning and Implementing Off-site Response Actions" (Off-site Policy). The purpose of the Off-site Policy is to avoid having Superfund generated wastes contribute to present or future environmental problems by directing these wastes to facilities which are environmentally sound. On November 13, 1987, U.S. EPA revised the procedures for implementing the Off-site Policy.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the 1986 Superfund Amendments and Reauthorization Act (SARA) (§121(d)(3)), adopted U.S. EPA policy for off-site transfer of CERCLA wastes requiring that facilities regulated by the Resource Conservation and Recovery Act (RCRA), or the State equivalent, that receive wastes as a result of CERCLA activities be in compliance with §§3004 and 3005 of RCRA. That is, they have no releases of hazardous waste or hazardous waste constituents from the unit receiving the waste, have all other releases controlled by an enforceable corrective action program (detailed in a permit, order, or consent decree), and have no significant violations of RCRA.

The purpose of this letter is to notify you that American Chemical Services, Inc., may have conditions that render it unacceptable for receipt of off-site CERCLA (Superfund) waste. This finding is based upon information gathered during an inspection conducted on March 31, 1989, at your facility. This inspection revealed that you exceeded your container storage capacity according to 40 CFR 262.34. Failure to retain on-site copies of all notices and certifications as required by 40 CFR 268.7 (a)(6) was noted. Furthermore, financial requirements for liability coverage as required by 40 CFR 265.147 have not been met.

Pursuant to the Off-site Policy, you may request an informal conference with Region V staff and legal counsel to discuss the basis for your facility's unacceptability determination, provided that such a request is made within 10 calendar days from the date of this letter. You may submit written comments within 30 calendar days from the date of the notice in lieu of holding the conference.

If the determination of unacceptability is confirmed after the informal conference or the submittal of written comments, this determination will become effective 60 calendar days after the date on this letter or on such later date as specified in a confirmation letter. If you fail to request an informal conference, or to submit written comments specifically addressing this unacceptability determination, this determination will become effective 60 days after the date on this letter. On the date that this determination becomes effective, U.S. EPA will cease any transport of CERCLA waste to your facility.

If the determination of unacceptability is confirmed, you may request the Regional Administrator to review the unacceptability determination. Such a request must be made within 10 calendar days after the date of confirmation of unacceptability. The Regional Administrator, at his discretion, may agree to review the determination. Such a review by the Regional Administrator, if agreed to, will be conducted within 60 calendar days of this letter, if possible, but the review will not stay the effective date of the determination.

This letter is being sent by both certified mail and first class mail, in order to ensure that you receive it promptly.

If you have any questions or wish to request an informal conference, please contact Mr. Dan Bakk of my staff at (312) 886-3781, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604. If you wish to discuss the unacceptability determination, please call Ms. Gertrud Matuschkovitz, Off-site Coordinator at (312) 353-7921.

Sincerely,

Basil G. Constantelos, Director
Waste Management Division

cc: Jim Hunt, IDEM
Ted Warner, IDEM

bcc: Mary Gade, Superfund
Karl Bremer, RCRA Permit Branch
Jan Carlson, ORC
Gertrud Matuschkovitz, RCRA Enforcement
✓ Dan Bakk, IL/MIN Section

STATE OF INDIANA
OFFICE OF THE SECRETARY OF STATE

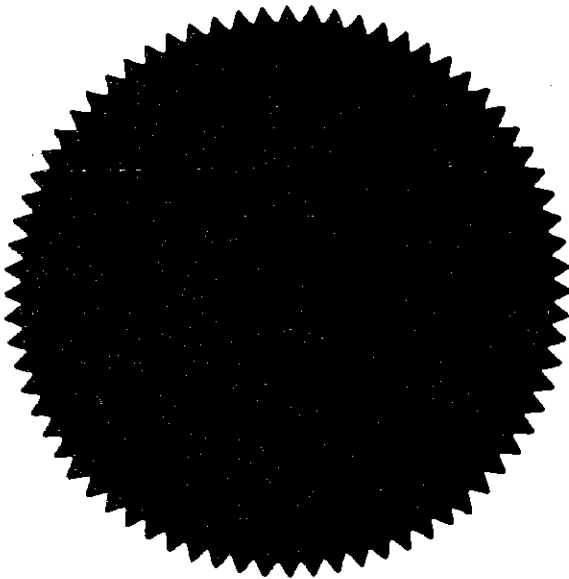
To Whom These Presents Come, Greeting:

I, EDWIN J. SIMCOX, Secretary of State of Indiana, do hereby certify that I am, by virtue of the laws of the State of Indiana, the Custodian of the corporate records and the Proper Office to execute this certificate.

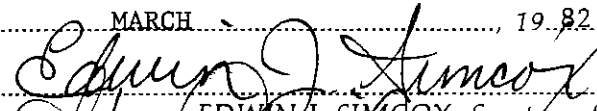

I further certify that records of this office disclose that

AMERICAN CHEMICAL SERVICE INC

filed Articles of Incorporation on AUGUST 22, 1955;
is a corporation duly organized and existing under and by virtue of the laws of the State of Indiana; and has filed annual corporation reports for all years in accordance with the statutory requirements, or is not yet required to file such annual reports, thus making said corporation in Good Standing with the Office of the Secretary of State.



In Witness Whereof, I have hereunto set my hand and affixed the seal of the State of Indiana, at the City of Indianapolis, this
.....11th..... day of

MARCH....., 19 82

EDWIN J. SIMCOX, Secretary of State,
By  Deputy

1/20/81

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION V

IN THE MATTER OF:	}	DOCKET NO. V-W-81-R-40
AMERICAN CHEMICAL SERVICE, INC.	}	COMPLAINT AND
GRIFFITH, INDIANA	}	FINDINGS OF VIOLATION
EPA ID NO. IN D016360265	}	

This Complaint is pursuant to Section 3008 of the Resource Conservation and Recovery Act of 1976, as amended (RCRA), 42 U.S.C. 6928, and is equivalent to a Compliance Order referred to in that Section. The Complainant is the Regional Administrator, Region V, United States Environmental Protection Agency (U.S. EPA). The Respondent is American Chemical Service, Inc., a corporation authorized to do business in Indiana, and has a place of business located at 420 South Colfax Avenue, Griffith, Indiana 46319.

Pursuant to 42 U.S.C. 6928(a) and based on a compliance inspection conducted by the U.S. EPA on December 4, 1980, it has been determined that American Chemical Service, Inc., is in violation of Subtitle C of RCRA, Section 3005, 42 U.S.C. 6925 and regulations 40 CFR Parts 265.14(b)(2)(ii), 265.52(f) and 265.73(b).

FINDINGS

This determination is based upon the following findings of violation:

1. Pursuant to 40 CFR 265.14(a) and/or (b), the owner/operator must prevent the unknowing entry of persons or livestock onto the active portion of his facility unless it can be demonstrated that contact with the waste will not injure such persons or livestock. If such a demonstration cannot be made, the owner/operator must have a 24 hour surveillance system or an artificial or natural barrier which completely surrounds the active portion of the facility. At the time of the inspection, it was noted that the facility is fenced on one side, but entry into facility is not monitored. Unauthorized or unknowing persons or livestock may freely enter the facility as a consequence of this situation, in violation of 40 CFR 265.14(b)(2)(ii).

2. Pursuant to 40 CFR 265.52(f), the facility's contingency plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. At the time of the inspection, the facility's contingency plan failed to include an evacuation plan for facility personnel in violation of 40 CFR 265.52(f).

3. Pursuant to 40 CFR 265.73(b), the owner/operator must record and maintain in the operating record the following information, in relevant part: (1) the method(s) (by handling code(s) as specified in Table 2, Appendix I) and date(s) of treatment, storage, or disposal; and, (2) crossreferences to specific manifest document numbers, if the waste was accompanied by a manifest, for each hazardous waste within the facility. At the time of the inspection, handling codes were not recorded for each waste received at the facility nor were crossreferences to specific manifest document numbers recorded as required by 40 CFR 265.73(b).

ORDER

It is hereby Ordered that American Chemical Service, Inc., take the following corrective actions within the specified times for achieving compliance with Subtitle C of RCRA, Section 3005, 42 U.S.C. 6925 and regulations 40 CFR Parts 265.14(b)(2)(ii), 265.52(f), and 265.73(b).

1. The owner/operator within 30 days of the receipt of this Order shall achieve compliance with the following requirements:
 - a. Either 24 hour surveillance or a barrier shall be provided for any active portion of the facility to prevent unknowing or unauthorized persons or livestock from coming in contact with hazardous wastes.
 - b. An evacuation plan for facility personnel must be prepared and attached to the contingency plan.
 - c. Handling codes (as specified in Table 2, Appendix I, 40 CFR Part 265) must be recorded in the operating record.
 - d. Crossreferences to specific manifest document numbers must be recorded in the operating record for each hazardous waste within the facility.
2. The owner/operator shall notify the U.S. EPA in writing upon achieving compliance with this Order, and any part thereof.

POTENTIAL CIVIL PENALTY

Failure to comply with any requirement of this Compliance Order shall subject the above named Respondent to liability for a civil penalty of up to \$25,000.00 (TWENTY FIVE THOUSAND DOLLARS) for each day of continued noncompliance. U.S. EPA is authorized to assess such penalties pursuant to Section 3008(a)(3).

NOTICE OF OPPORTUNITY FOR HEARING


The above named person is hereby notified that the above Order shall become final unless said person has requested in writing a public hearing on the Order no later than 30 days from the date this Order is served. You have the right to request a hearing to contest any factual allegation set forth in the Complaint or the appropriateness of any proposed compliance schedule or penalty. In the event that you wish to request a hearing, and to avoid having the Compliance Order become final without further proceedings, you must file a written answer to this Complaint with the Regional Hearing Clerk, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, within 30 days of your receipt of this notice. A copy of this answer and any subsequent document filed in this action should also be sent to Enforcement Division, Attention: Water & Hazardous Materials Enforcement Branch, Compliance Section at the same address. Your answer should clearly and directly admit, deny, or explain each of the factual allegations of which you have knowledge. Said answer should contain (1) a definite statement of the facts which constitute the grounds of defense, and (2) a concise statement of the facts which you intend to place at issue in the hearing. The denial of any material fact or the raising of any affirmative defense shall be construed as a request for a hearing.

A copy of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits (40 CFR 22, 45 Federal Register 24363 as amended by 45 Federal Register 79808), accompanies this Complaint. These regulations are applicable to this Administrative action.

SETTLEMENT CONFERENCE

Whether or not you request a hearing, you may confer informally with U.S. EPA concerning (1) whether the alleged violations in fact occurred as set forth above, (2) the appropriateness of the compliance schedule, (3) the appropriateness of any proposed penalty in relation to the size of your business, the gravity of the violations, and the effect of the proposed penalty on your ability to continue in business. You may request an informal settlement conference at any time by contacting this office. However, any such request will not affect the 30 day time limit for responding to this Complaint or requesting a formal hearing on the violations alleged herein. U.S. EPA encourages all parties to pursue to possibilities of settlement through informal conferences.

Dated this 28th day of JANUARY, 1981


John McGuire, Administrator
U.S. Environmental Protection Agency
Region V

1B2

Mr. James Tarpo, President
American Chemical Services
P.O. Box 190, Colfax Avenue
Griffith, IN 46319

MAR 11 1985

Dear Mr. Tarpo:

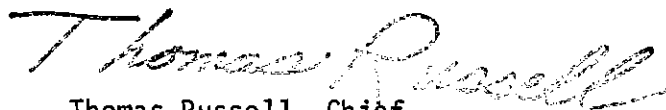
Re: RCRA TSD Inspection
American Chemical Services
IND 016360265

This letter will acknowledge receipt of information from American Chemical Services on January 18, 1985. This information was submitted in response to our letter of December 13, 1985, in reference to your Company's compliance with the Federal Resource Conservation and Recovery Act (RCRA) and Environmental Management Board (EMB) 320 IAC 4.

Staff has reviewed the materials submitted and determined that all requirements of RCRA and 320 IAC have been met. Your cooperation and efforts in this matter are appreciated.

If you have any questions, please call Mr. Rod Steele at the Indiana State Board of Health, AC 317/243-5050.

Very truly yours,



Thomas Russell, Chief
Enforcement Section
Hazardous Waste Management Branch
Division of Land Pollution Control

RJS/tr

cc: Lake County Health Department
Ms. Sally K. Swanson, U.S. EPA, Region V
Mr. Ted Warner

tr 5954m 3/8/85

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION V

IN THE MATTER OF:
AMERICAN CHEMICAL SERVICE, INC.
GRIFFITH, INDIANA
EPA ID NO. IN D016360265

) DOCKET NO. V-W-81-R-40
) CONSENT AGREEMENT
) AND
) FINAL ORDER

AGREEMENT

WHEREAS,

1. This administrative proceeding was initiated pursuant to Section 3008 of the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6901 et seq.), hereinafter RCRA.

2. This action was instituted by a Complaint and Notice of Opportunity for Hearing by complainant on January 28, 1981, charging that Respondent was in violation of Subtitle C of RCRA, Section 3005, 42 U.S.C. 6925 and regulations 40 CFR Parts 265.14(b)(2)(ii), 265.52(f) and 265.73(b). These violations were observed by officials of the United States Environmental Protection Agency (U.S. EPA) on December 4, 1980 during an inspection of Respondent's facility located at 420 South Colfax Avenue, Griffith, Indiana 46319.

3. Settlement of this action was discussed with Mr. James Tarpo, President of American Chemical Service, Inc., on the telephone on March 20, 1981 through Ms. Gloria J. Small, an attorney for U.S. EPA.

WHEREFORE, for the purpose of this proceeding only, and without prejudice to any other proceeding:

1. Respondent hereby admits the jurisdictional allegations contained in the Complaint,

2. Respondent admits the allegations set forth in the Complaint,

3. Respondent explicitly waives its right to request a hearing on the allegations of the Complaint filed herein,

4. The parties stipulate that:

- a) An evacuation plan for facility personnel has been prepared. Mr. Alan Baumann, an engineer for U.S. EPA, inspected the plan during an on-site visit of Respondent's facility on Friday, March 13, 1981.

- b) Handling codes and cross references to specific manifest document numbers have been recorded in the facility's operating record. Mr. Alan Baumann, an engineer for U.S. EPA, observed the handling codes and cross references in the operating record during an on-site visit of Respondent's facility on Friday, March 13, 1981.

5. Respondent consents to the issuance of the Final Order hereinafter recited.

ORDER

The Respondent, American Chemical Service, Inc., shall effective immediately unless otherwise stated comply with the following requirements:

- a) The evacuation plan must be maintained at the facility. Facility personnel must remain apprised of the information contained in the evacuation plan.
- b) Respondent must continue to include handling codes and cross references in the operating record when necessary as required by the regulations.
- c) A fence or comparable barrier should be erected to enclose the existing property, or a 24-hour surveillance system which continuously monitors and controls entry into the active portion of the facility should be installed not later than August 31, 1981. Should, however, Respondent purchase adjoining property to the south, west and north now owned by the private railway company, the fencing of Respondent's property should occur not later than September 30, 1981 and should include the purchased property.

The above order is hereby consented to by both parties to this proceeding.

James T. ...
Respondent, American Chemical Service, Inc.

Dated: 5-12-81 At: 11⁰⁰ A Griffiths

Sandra S. Gardebring
Sandra S. Gardebring
Director, Enforcement Division
United States Environmental
Protection Agency
Region V

Therefore, it is so ordered. This order shall become effective immediately.

Nelson V. ...
Acting Regional Administrator
United States Environmental
Protection Agency
Protection Agency
Region V

Dated: MAY 27th 1981 At: CHICAGO, ILL.

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Wahfeld
FEB 2 9 38 AM '81

SAHITARY ENGINEERING
DIVISION
STATE BOARD OF HEALTH

5ENHME

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. John J. Murphy
Registered Agent for
American Chemical Service, Inc.
601 Stratford Terrace
Valparaiso, Indiana 46333

JAN 28 1981

Re: Findings of Violation
and Compliance Order
American Chemical Service, Inc.
EPA ID NO. IN D016360265

Dear Mr. Murphy:

Enclosed please find a Compliance Order which specifies this Agency's determination of certain violations by your company of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. 6901 et seq., based on an inspection of your facility at 420 South Colfax Avenue, Griffith, Indiana on December 4, 1980.

The Compliance Order states the reason for such a determination, establishes a compliance schedule and advises that you may be liable for civil penalties should you fail to meet the time specified in the Order for corrective action. This Compliance Order is issued pursuant to Section 3008 of RCRA (42 U.S.C. 6928).

Accompanying the Compliance Order is a Notice of Opportunity for Hearing and a copy of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits. It is recommended that the enclosed Compliance Order and Rules of Practice, 40 CFR Part 22, 45 Federal Register 24360 (April 9, 1980) as amended by 45 Federal Register 79808 (December 2, 1980), be carefully read and analyzed to determine the alternatives available in responding to the Order and opportunity for a hearing. Should you desire to contest the Compliance Order, a written request for a hearing is required 30 days from receipt of this Compliance Order.

Regardless of whether you choose to request a hearing within the prescribed time limit following service of the Compliance Order, you are extended an opportunity to request an informal settlement conference. If you have any questions or desire to request an informal conference for purpose of settlement with Enforcement Division Staff, please contact Mr. Alan Baumann, Environmental Engineer, Enforcement Division, Water and Hazardous Materials Enforcement Branch, 230 South Dearborn Street, Chicago, Illinois 60604, phone (312) 353-2110.

Very truly yours,

Original Signed by Sandra S. Gardebring

Sandra S. Gardebring
Director, Enforcement Division

Enclosure

✓ cc: David Lamm, Chief
Solid Waste Management Section
Indiana State Board of Health

James Tarpo, President
American Chemical Service, Inc.

American Chemical Services, Inc.
Resource Recovery Operation
IND 016360265

Description of Stills: 320 IAC 4.1-34-7

Provide a review of still design specifications including existing shell thickness, width, height, construction materials, pressure, temperature, and flow rate, pressure, temperature and flow rate controls, scaled drawings, the design standard used, foundation, structural support, seams, and pressure relief valves.

Still Management Practices: 330 IAC 4.1-34-7d and e; 330 IAC 4.1-49-3b

Provide a process flow diagram, a material and energy balance, and describe the practices and controls used to prevent overflowing (such as a waste feed cut-off system).

Describe the location of the process control equipment and data gathering instruments.

Describe the loading and unloading procedures.

Inspections: 320 IAC 4.1-49-4

Document that the following inspections will be conducted at the frequency specified:

1. The construction materials of the stills to detect corrosion or erosion, and leaking of fixtures and seams (weekly).
2. The area immediately surrounding the stills to detect obvious signs of leakage (weekly).
3. Overfilling control equipment (e.g., wastefeed cut-off systems and bypass systems) to ensure good working order (daily).
4. Data gathered from monitoring equipment (e.g., pressure and temperature gauges) where present to ensure that the stills are operated according to design specifications (daily).

Still Condition Assessment: 320 IAC 4.1-49-4b

The schedule and procedure for assessing the still(s) condition. Procedures must be adequate to detect cracks, leaks, or wall thinning to less than sufficient shell strength.

Still Interior Inspection: 320 IAC 4.1-49-4b

Document established procedures for emptying a still to allow entry and inspection of the interior to detect corrosion or erosion of the still sides and bottom.

Closure: 320 IAC 4.1-48-9

Show that at closure all hazardous waste and hazardous waste residue will be removed from the stills, discharge control equipment, discharge confinement equipment, and that the facility will be decontaminated.

Closure Cost Estimate: 320 IAC 4.1-34-5, 320 IAC 4.1-47-3

Include a closure cost estimate. Discuss disposal of waste residues and any residues resulting from decontamination.

DAB/cl

cl 1022H 4/7/86



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Evan Bayh
Governor

Kathy Prosser
Commissioner

RECEIVED
WMD RECORD CENTER

MAY 27 1994

0.2

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

Mr. James Tarpo, President
American Chemical Service, Inc.
420 South Colfax Avenue
P.O. Box 190
Griffith, Indiana 46319

March 21, 1994

Dear Mr. Tarpo:

Re: Resolution of Cause No. H-11483
Hazardous Waste Management
American Chemical Service, Inc.
EPA I.D. No. IND 016360265
Griffith, Lake County

Based upon documents available to the Office of Enforcement staff during a record review on March 14, 1994, it has been determined that American Chemical Service, Inc., has achieved compliance with the terms of the Agreed Order issued to your firm on February 14, 1994.

Thank you for your cooperation. If you have any questions concerning this matter, feel free to contact Ms. Lisa E. Smith of the Office of Enforcement, Hazardous Waste Section, at 317/232-7202.

Very truly yours,

Rosemary Cantwell

Rosemary W. Cantwell, Chief
Hazardous Waste Section
Office of Enforcement

LES/rmw

cc: Lake County Health Department
Ms. Uylaine McMahan, U.S. EPA, Region V
Office of Legal Counsel
Mr. Rick Roudebush

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

DATE: OCT 19 1984

SUBJECT: "Resin Solids" From American Chemical Service, Inc. (ACS) - Griffith, Indiana

FROM: Richard Shandross *Richard Shandross*
Environmental Engineer

TO: Pierre Talbert
Assistant Regional Counsel

Pursuant to your request, I have reviewed the available information concerning the material identified as "resin solids" by ACS. The following is a discussion of the sources, quantities and identity of resin solids, based upon that information and discussions I have had with Mr. James Tarpo of ACS.

In the discussion below, "Location A" refers to ACS's drum storage area or dock, "Location B" refers to the solvent reclaiming process, "Location C" refers to the waste-derived fuel process, and "Location D" refers to the (resin) solids blending bin. Wastes at Location D are the subject of this memo.

I. SOURCES OF RESIN SOLIDS

A. Containers

One source of resin solids is the nonpumpable residue that remains in drums after ACS removes liquid and semi-liquid components for recycling or reuse. For closed head drums, ACS's common practice is to cut the top off of the drum, to empty it of resin solids.

The following support these conclusions:

1. In an August 9, 1982, phone conversation, Mr. Tarpo told Peter Tong of U.S. EPA that drum tops are cut off after pumping to "enable retrieval of leftover HW or residue."¹
2. Figure 20-2-4A of ACS's Part B permit application is a combined facility layout drawing and flow diagram of the drum storage and handling area. The flow diagram aspect of the drawing shows an arrow labelled "Drum Dumping" from the "Drum Handling Area" to a group of three "Solid Waste Boxes." A second arrow goes from the boxes "To Solids Blending Bin Location D."² This blending bin is the area where resin solids are mixed with sand before disposal.
3. Page 31 of the Part B, the Closure Cost Estimate, has as line item 3, "Cut open drums not emptied and dump solids into bins, 16 man hours." Item 4 is "Mix solids with sand and haul to landfill."³

4. Pages 15, 24, 25, 27, and 28 of the Part B revision of June 3, 1983, which are pages from the Personnel Training Guide, document containers as a source of resin solids as discussed above. On page 24, the job duties of an "Unloader" are explicitly described as follows:
 - "1) The unloader removes the lid of the drum. If it is a tighthead drum, he uses a drum cutter to remove the head of the drum.
 - 2) The unloader dumps the solid contents of the drum into a bin spotted at Location A by tipping the drum and leaning its top rim against the lid of the bin.
 - 3) The unloader closes the lid of the bin when the solid level is about six inches from the top."⁴
5. On August 19, 1983, I inspected ACS again, to discuss Part B issues. I was given a rough 'mass balance' of waste materials handled by ACS. Mr. Tarpo told me that of approximately 500,000 gallons of drummed waste material per year, about 20,000 gallons are sent to bins and thence to Location D.⁵
6. Page 29 of the Part B, the Closure Plan, outlines the procedures to decontaminate the drum storage area. These procedures are to dispose of solids as usual--mix with sand and send the mixture to the landfill.⁶
7. On October 12, 1983, I inspected ACS for a third time, for Part B purposes. Mr. Tarpo explained again that container residues are a source of resin solids.⁷
8. On April 10, 1984, U.S. EPA and State representatives, including myself, visited ACS to discuss the specific issue of resin solids. Mr. Tarpo told me that approximately 95% of resin solids are drum residues.⁸ One of the documents we gathered on this inspection is a recently implemented drum disposition record form on which the amount of solids found in drums is a line item.⁹ (In this, as in all of the documents we possess from ACS, no indication is given as to any particular type of material or waste code which might or might not become resin solids.)

B. Tanks

A second source of resin solids is tank cleanout residue. The following supports this conclusion:

1. The Closure Cost Estimate has as line item 8, "Remove manheads on flat bottomed tanks and remove solids." Item 9 is "Mix solids (13,500 gallons) with sand and haul to landfill."¹⁰
2. Page 28 of the Personnel Training Guide explains a set of procedures which "Laborers" follow to remove solids from storage tanks and distillation units. In particular, "f) The laborer digs solids which collect in stills and storage tanks during processing."*** x) The laborer shovels the solids to a bin or an openhead drum."¹¹
3. In the 'mass balance' given me on August 19, 1983, Mr. Tarpo informed me that of approximately five million gallons per year bulk waste, about 5,000 gallons or less become resin solids as equipment cleanout."¹²
4. The Closure Plan states that "Flat bottomed tanks (123, 124, 125, 126, 200, 201, 202, 203, 204, 205, 207, 208) will contain solids....Solids would be shoveled into bins and mixed with sand....Sand and solids would be hauled to the landfill."¹³

C. Spill Cleanups

A portion of resin solids is comprised of cleanup material from spills occurring at ACS.

The following supports this conclusion:

1. During the December 4, 1980, ISS inspection, Mr. Tarpo informed me that ACS possesses mobile spill equipment and sand to comply with RCRA Preparedness and Prevention requirements. He told me that decontamination includes removal of soil in all cases, and the drum storage pad is scraped when spills occur. (Note that the latter may have changed with upgrades made to the containment system.) The decontamination waste was sent to the "disposal box" for landfilling."¹⁴
2. During the August 19, 1983 inspection, Mr. Tarpo told me that Location D receives "solids and spills."¹⁵

D. Miscellaneous Filter and Cleaning Waste

A portion of resin solids are comprised of filtered-out materials from various pumps or other pieces of equipment at ACS.

The following supports this conclusion:

1. The Personnel Training Guide from the Part B revision, pages 17, 20, and 22, outlines procedures¹⁶ to be followed by "Unloaders" in pumping tank trucks and drums. It specifies that clogged pump filters be cleaned out, and the residue be put in an open head drum. It also specifies that the filter screen on the viscous liquids blending tank be dumped into such drums. Since procedures for cleaning tanks specify that solids go to "a bin or openhead drum" and the general impression given is that residues are discarded, I presume that the content of openhead drums are to be discarded and become "resin solids."
2. During the April 10, 1984 inspection, Mr. Tarpo informed me that other sources of resin solids include cleanups from all over the site. This includes "fuel cleanup, filter papers and filter cartridges."¹⁷
3. On page 14 of the Part B, the Contingency Plan states that a Caterpillar tractor "is used to apply and remove sand for containment and cleanup of a spill. The spent sand is loaded into a dump box and hauled to Gary Land Development."¹⁸ This point is reiterated in Sections IV(b) and (c) of the Contingency Plan.¹⁹

II. Quantity of Resin Solids

The following table was culled from available information:

<u>Source</u>	<u>Drums</u>	<u>Tanks</u>	<u>Spills</u>	<u>Sand: Solids</u>
Closure Cost Estimate ²⁰	3,300 gal(S)	13,500gal(S)		Unknown
12/04/80 Inspection ²¹	100,000 gal/y(S)**			
08/19/83 Inspection ²²	20,000gal/yr(S)	5,000gal/yr(S)	Unknown	4:1
10/12/83 Inspection ²³	-- 396 tons in 1981 total(S)--			"very much sand"*
04/10/84 Inspection ²⁴	--5,400 yd ³ total from 7/26 to 8/31 in 1983-- 540 10/30/84 RJ			

*Refers to resin solids from approximately December 1981 on.

**"Thickened paint sludge" only.

(S) means solids only, i.e., not solid and sand together.

Except for the figure from the 1980 inspections, the information is internally consistent. Note that the 1980 figure may have been based on earlier disposal rates.

III. Identity of Resin Solids

ACS's response to U.S. EPA's recent information request stated that resin solids are ignitable (hazardous waste number D001) only. Our records show the waste to also be (at various times) F001, F002, F003, F005, K018, U002, U031, U112, U147, U154 and perhaps K086 as well. It may be EP Toxic at times. D001 is not even listed on Part A permit application.²⁵

Except for the above-mentioned letter from ACS, there is nothing in the written materials we possess which limits the types of waste which become resin solids to be nonlisted waste only. There is nowhere any indication that only certain types of waste have residue. While it is possible that paint wastes have more residue than other wastes ACS handles, it is common for spent solvents to contain dirt, grit, sludge, paint or ink residue, resinous materials, and other likely candidates for the "dump box", i.e., resin solids.

The following supports these conclusions:

1. Containers

The Part A permit application shows container storage waste codes of F001, F002, F017 and K078.²⁶ While the latter two listings were never finalized by U.S. EPA, wastes in those categories could well be EP Toxic and/or ignitable. According to Mr. Tarpo during the April 10, 1984 inspection, the only EP Toxicity test run on resin solids by ACS was done on January 28, 1982.²⁷ Given the variability of the sources of resin solids (about 100 generators, according to Mr. Tarpo²⁸), the single analysis is an inadequate characterization of the wastes' EP Toxicity.

The total estimated annual quantity of F017 and K078 drummed waste (from the Part A) is 82 tons/year.²⁹ This is about five tons under the annual amount of actual solids from containers listed in the table above. Therefore, even if all the paint waste became resin solids, a portion of the solids would still be listed waste. There is no evidence to support a claim that all paint wastes become resin solids; rather, the information leads one to conclude that much of

the paint waste material is recycled for solvent values or as a fuel. In particular, there are many references to the fact that resin solids are what remains after the liquid portion has been drawn off and recycled.³⁰ Finally, dock inventory records which were copied for us during the April 10, 1984 inspection show an overwhelming majority of the drummed waste on the dock to be F001 and F002 ("Perc", "MC", "1-1-1", "Tri", etc.).³¹

At that same inspection, Mr. Tarpo told me and the other government representatives that sludges and heavy bottoms from barrels of "crude" (F001, F002, F003, F005 (and probably F017 and K078) to be distilled) are classified as and make up a portion of resin solids. At one time, they made up the majority of such solids.³² Although F003 and F005 are not on the Part A for containers, we discovered manifests documenting the receipt of such wastes in drums.³³ ACS manifested resin solids as F005 to Gary Development Landfill throughout 1981.³⁴

Several laboratory reports on ACS waste streams have information indicating that those wastes are classified as K086³⁵; any solids disposed of would also fit that category.

2. Tanks

As was indicated in Section I.B.4. of this memo, cleanout waste from flat-bottomed tanks becomes resin solid. Diagrams 20-2-4B and 4C of the Part B show the tank numbers for flat-bottomed tanks to be part of the "Reclaim Crude Tank Farm" and the "Waste Fuel" tank farm.³⁶ From the Part A, waste codes F001, F002, F003, F005, U002, U031, U112, U147, U154, 'F017', and 'K078' are recycled in these two processes. K086 is another possibility, as mentioned above.

3. Spill Cleanups

Any of the wastes listed on the Part A could be spilled, resulting in a "resin solid" waste of the same waste code. In addition, other raw materials and products handled at the plant could be hazardous when discarded. We do not have a list of those materials to evaluate.

4. Miscellaneous Filter and Cleanup Waste

Since the sources of this category are the same as categories for containers, tanks and spills combined, those waste codes are applicable.

5. Other

During the inspection of October 12, 1983, I looked at a manifest for a trial load of resin solids to the SCA incinerator in Chicago. The manifest had the waste codes F003, D001 and K018.³⁷ Note that K018 is not on the Part A.

Since about December 1981, the resin solids were mixed with sand at a ratio of sand to waste of 4:1.³⁸

IV. Other Relevant Information

- A. Recordkeeping. During my December 4, 1980 inspection of ACS, I informed Mr. Tarpo of the purpose of the operating record and the regulations which cover this aspect of management. I told him that it is necessary to track all hazardous wastes throughout their storage, treatment or disposal. Therefore, ACS has been notified since 1980 that they must track waste to a process such as the blending bin.³⁹
- B. Delisting and Alternate Disposal. During the August 19, 1983 inspection of ACS, I informed Mr. Tarpo that mixing listed wastes with sand does not render them nonhazardous. (Our discussion of the resin solids was in response to my discovery of the blending bin in the Part B). He then informed me that he was considering the SCA incinerator for disposal of the solids, and that mixing with sand no longer made sense because it only increased the volume of hazardous waste.⁴⁰

I inquired about the progress of the SCA alternative during the October 12, 1983 inspection. Mr. Tarpo said that SCA could not handle any new wastes at that time except for those in burnable drums.⁴¹ ACS sought and had just received disposal approval for the solids to go to CECOS in Ohio.⁴² I reviewed a manifest for a trial load to SCA. It had originally been filled out as "Resin Solid" with no hazard class, but was annotated by SCA to show that ACS was consulted and had more information: the revised information was "Waste Flammable Solid, NOS; UN1325; F003, D001, K018." We do not have the date of the manifest, but the document number and Illinois waste authorization number were noted. The authorization number was 820408, identical to that of resin solids.⁴³

- C. Phone Conversation on Landfilling. On November 17, 1983, Mr. Tarpo called me to inquire what "level of toxins would be required for disposal" of blended resin solids under the Florio version of the RCRA reauthorization bill. I informed him that I didn't know the answer, but the issues we are concerned about under the present regulations are that such waste is covered in the Part B and manifested to a RCRA landfill if regulated.⁴⁴
- D. Phone Conversation on Land and Lakes Landfill. On March 26, 1984, Mr. Tarpo called me to discuss a letter he had received from Land and Lakes concerning the identity of resin solids. He said that he was going to call the waste D001, but was unsure that this was correct⁴⁵...in fact, his words were, "How can I do this so that I can call the stuff D001?" I told him to review all his records and all the company's knowledge about the sources of the waste and to use his best judgement. He said that he would have to call the waste D001, because "I have to help my friend." He said that he had to do this to keep Land and Lakes from being called a hazardous waste facility, and the attendant problems this would cause for the landfill. The position he said he would take is that he would have to call the waste D001 since he didn't have records to show otherwise.

Because of his statements, I cautioned him to be honest, accurate, complete, and to use his conscience and his best judgement.

During the April 10, 1984 inspection of ACS, Mr. Tarpo told me that he had begun tracking the types and amounts of materials which became resin solids.⁴⁶ (This is the drum disposition record form discussed in I.A.8. above.)

Attachments

Cashier's
Check



HARRIS
BANK

Trust and
Savings Bank
Chicago, Illinois

2-28
710

AUG 27 1990

No. A870633

Pay to the
Order of

FEDERAL RESERVE BANK OF THE UNITED STATES

\$51,300.00

FIFTY ONE THOUSAND THREE HUNDRED DOLLARS AND 00 CENTS

*****\$51,300**DOLLARS AND 00 CENTS

Authorized Signer

⑈0870633⑈ ⑆071000288⑆ 100⑈128⑈8⑈

United States Environmental
Protection Agency
Region V
P.O. Box 70753
Chicago, IL 60673

Re: EPA Notice of Violation
Docket No. V-W-89-R-37
Our File No. 510.5264

Dear Sirs:

Enclosed please find a cashier's check in the amount of \$51,300.00 drawn from Harris Bank (No. A870633) as the balance of the penalty from American Chemical Service, Inc.

Very truly yours,

EICHHORN, EICHHORN & LINK

By:

Maureen Johns Grimmer
Maureen Johns Grimmer

MJG/lid
Enc.

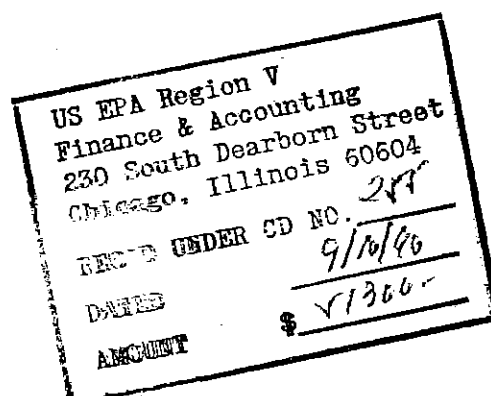
cc: Steven Siegel

Regional Hearing Clerk, Planning & Management Div. (5MF-14)

Solid Waste & Emergency Response Branch Secretary, Office of
Regional Counsel (5CS-TUB-3)

Joe Zotomayor, Jr.

IND016 360 265



RECEIVED
WASTE
RECORD CENTER
PLA
S
NP

u. mc mahan



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Evan Bayh
Governor

Kathy Prosser
Commissioner

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

VIA CERTIFIED MAIL P 215 676 232

February 14, 1994

Mr. James Tarpo, President
American Chemical Services, Inc.
420 South Colfax Avenue
P.O. Box 190
Griffith, Indiana 46319

RECEIVED
FEB 18 1994
OFFICE OF RCRA
WASTE MANAGEMENT DIVISION
EPA, REGION V

Dear Mr. Tarpo:

Re: Adoption of Agreed Order,
in Cause No. H-11483
Indiana Department of Environmental
Management
versus

American Chemical Services

IND 016 360 265

This is to inform you that the Commissioner of the Indiana Department of Environmental Management has approved and adopted the Agreed Order, negotiated between you or your representatives and members of our staff. A copy of the Final Order, executed by the Commissioner on behalf of the Department of Environmental Management, is enclosed.

You are, no doubt, familiar with the terms of the Final Order necessary to ensure future compliance. The time frames for compliance are effective upon your receipt of this correspondence. As to the civil penalty provided for in Paragraph No. 1 of the document, please forward a check, made payable to the Environmental Management Special Fund, to the Cashier's office within thirty (30) days of the effective date of this Order.

Please direct any questions you may have, or any submittals required under the Order, to Ms. Lisa E. Smith of the Hazardous Waste Section, Office of Enforcement at this address or contact her by telephone at 317/232-7202.

Very truly yours,

Rosemary Cantwell
Rosemary W. Cantwell, Chief
Hazardous Waste Section
Office of Enforcement

LES/sah

cc: Lake County Health Department (with enclosure)
Ms. Maureen Grimmer, Eichhorn, Eichhorn and Link (with enclosure)
Ms. Uylaine McMahan, U.S. EPA, Region V (with enclosure)
Office of Legal Counsel (with enclosure)
Ms. Rosemary W. Cantwell (with original enclosure)
Mr. Rick Roudebush



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P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

BEFORE THE INDIANA DEPARTMENT
SS: OF ENVIRONMENTAL MANAGEMENT

Complainant,

v.

AMERICAN CHEMICAL SERVICE, INC.,

Respondent.

CAUSE NO. H-11483

AGREED ORDER

The Commissioner and the Respondent, being desirous of settling and compromising this action without hearing or adjudication of any issue of fact or law, hereby consent to the entry of the following Findings of Fact and Order.

I. FINDINGS OF FACT

Upon the consent of the parties hereto, the following findings are made:

1. Complainant is the Commissioner (hereinafter referred to as "Complainant") of the Indiana Department of Environmental Management (hereinafter referred to as "IDEM"), a department of the State of Indiana created by IC 13-7-2-11.
2. IDEM has jurisdiction over the Respondent and the subject matter of this action.
3. American Chemical Service, Inc., (hereinafter referred to as "Respondent"), owns a place of business, located in Griffith, Indiana.
4. Respondent has submitted notification of hazardous waste activities to the U.S. Environmental Protection Agency (EPA) as a large quantity generator of hazardous waste on August 15, 1980, and has obtained the U.S. EPA identification number of IND 016360265.
5. Respondent submitted a Part A permit in November 1980, for a hazardous waste container storage unit and a waste pile. Respondent submitted a Part A permit in February 1982 to include tank treatment and storage. Respondent submitted a closure plan, and received a closure plan approval for the waste

pile on December 19, 1988. Closure plan approval for the container storage unit and the tank treatment and storage unit was given on August 4, 1992. Final closure has been completed.

6. Based upon an investigation of the facility on December 2, 1992, by the Office of Solid and Hazardous Waste Management, IDEM contends that the following violations were in existence or observed at the time of the inspection.
 - a. Pursuant to 40 CFR 268.50(c), an owner/operator of a treatment, storage or disposal facility may store such wastes beyond one year; however, the owner/operator bears the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal. Based on information gathered by IDEM, Respondent has failed to document that such storage is necessary to facilitate proper recovery, treatment, or disposal of thirty-nine (39) drums of F001/F002/F003/F005 of closure clean up debris from the waste pile stored on-site for greater than one (1) year. Storage dates on the drums start in 1989.
 - b. Pursuant to 40 CFR 262.34(c)(1)(ii), a generator may accumulate as much as fifty-five (55) gallons of hazardous waste in containers at or near any point of generation where wastes initially accumulate, provided he marks his containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers. Based on information gathered by IDEM, Respondent failed to mark a container of solids from railroad tank bottoms located in the additive blending building satellite accumulation area with the words "Hazardous Waste" or other words identifying the contents. This violation was corrected during the December 2, 1992 inspection.
 - c. Pursuant to 40 CFR 265.75(h), the biennial report must cover facility activities during the previous calendar year and must include the following information for generators who treat, store, or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated. Based on information gathered by IDEM, Respondent has failed to describe efforts to reduce the volume and toxicity of waste generated in the 1991 biennial report.
7. Pursuant to IC 13-7-11-2(b), IDEM issued a Notice of Violation via Certified Mail on September 28, 1993, to:

Mr. James Tarpo, President
American Chemical Service, Inc.
420 South Colfax Avenue
P.O. Box 190
Griffith, Indiana 46319

8. On November 9, 1993, the parties met to discuss settlement.
9. Respondent has provided Complainant copies of Hazardous Waste Manifests LAA3147323, dated January 11, 1993; and LAA3147324, dated January 19, 1993, demonstrating the disposal of the thirty-nine (39) drums referred to in Finding 6(a).
10. Respondent has provided Complainant a copy of the waste minimization report that was not attached to the 1991 biennial report when filed, thereby achieving compliance with Finding 6(c).
11. In recognition of the settlement reached, Respondent waives any right to administrative and judicial review of this Agreed Order and agrees not to contest the jurisdiction of Complainant to enter into this Order.

II. ORDER

WHEREFORE, based upon the Findings of Fact and upon the consent of the parties, it is hereby ORDERED that:

1. Respondent is assessed a Civil Penalty of \$16,500. Said Penalty amount shall be due and payable to the Environmental Management Special Fund within thirty (30) days of the effective date of this Order, as directed by Paragraph No. 2.
2. Civil penalties are payable by check to the Environmental Management Special Fund. Checks shall include the Cause Number and shall be mailed to:

Cashier
IDEM
105 South Meridian Street
P.O. Box 7060
Indianapolis, Indiana 46206-7060
3. In the event that the civil penalty required by paragraph No. 1 is not paid within thirty (30) days of the effective date of this Agreed Order, Respondent shall pay interest on the unpaid balance at the rate established by IC 24-4.6-1-101. The interest shall begin to accrue on the date the civil penalty is due until the full civil penalty is paid.
4. This Order shall apply to and be binding upon the Respondent, its officers, directors, principals, employees, agents, successors, subsidiaries, legal representatives and assigns. The signatories to this Order certify that they are fully authorized to execute and legally bind the parties they represent. No change in ownership, corporate, or partnership status of the Respondent shall in any way alter its status or responsibilities under this Order.
5. The Respondent shall provide a copy of this Order, if in force, to any subsequent owners or successors before ownership rights are transferred. The Respondent shall provide a copy of this Order to all contractors,

sub-contractors, laboratories, and consultants which are retained to conduct any work performed under this Order, within fourteen (14) days after the later of the effective date of this Order or the date of retaining their services. Respondent shall by contract require that all contractors, firms, and other persons acting for it comply with the terms of this Order.

6. Respondent shall comply with all applicable laws and all rules of any board created by Title 13 of the Indiana Code.
7. This Order shall be valid and enforceable the date this Order is adopted by the Complainant or her delegatee. However, all time periods shall run from the date Respondent receives this Order (hereinafter called "effective date"). This Agreed Order shall remain in effect until IDEM issues a Resolution of Cause letter to Respondent.

TECHNICAL RECOMMENDATION:

RESPONDENT

By: Rosemary Cantwell
Rosemary W. Cantwell, Chief
Hazardous Waste Section
Office of Enforcement

By: James Tarpo
James Tarpo, President
American Chemical Service, Inc.

Date: 12-21-93

Date: 1-7-94

COUNSEL FOR COMPLAINANT

COUNSEL FOR RESPONDENT

By: Scott R. St.
Office of Legal Counsel

By: Maureen John Grimmer
Maureen Grimmer

Date: 12/21/93

Date: 1/10/94

**APPROVED AND ADOPTED BY THE INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

This 9th day of Feb, 1994.

Rosemary Spalding for
Kathy Prosser, Commissioner

u. mc mahan



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Governor
Kathy Prosser
Commissioner

RECEIVED

SEP 15 1992

OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V

105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

September 10, 1992

Mr. James Tarpo
American Chemical Service, Inc.
420 South Colfax Avenue
Griffith, Indiana 46319

RECEIVED
WMD RECORD CENTER

SEP 10 1992

Dear Mr. Tarpo:

Re: Letter of Compliance, Case No. VL-11086
Hazardous Waste Management
American Chemical Service, Inc.
EPA I.D. No. IND 016360265
Griffith, Lake County

Based upon documents available to the Office of Enforcement staff during a record review on September 2, 1992, and the results of a reinspection conducted at your facility on August 27, 1992, it has been determined that American Chemical Service, Inc., has achieved compliance with the terms of the Violation Letter issued to your firm on April 27, 1992.

If you have any questions concerning this matter, feel free to contact Ms. Lisa E. Smith of the Office of Enforcement, Hazardous Waste Section, at 317/232-7202.

Very truly yours,

Rosemary Cantwell

Rosemary W. Cantwell
Acting Section Chief
Hazardous Waste Section
Office of Enforcement

LES/rmw

cc: Lake County Health Department
Ms. Uylaine McMahan, U.S. EPA, Region V ✓
Mr. Dave Dabertin

U. McNamee



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Commissioner

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P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

July 8, 1992

VIA CERTIFIED MAIL P 749 694 774

Mr. James Tarpo
American Chemical Service, Inc.
420 South Colfax Avenue
Griffith, Indiana 46319

Dear Mr. Tarpo:

Re: Letter of Inadequacy (VL-11086)
Hazardous Waste Management
American Chemical Service, Inc.
EPA I.D. No. IND 0163602/5
Griffith, Lake County

This will acknowledge the receipt of information from American Chemical Service, Inc., on June 24, 1992. This information was submitted in response to our Violation Letter dated April 27, 1992, regarding your firm's compliance with Indiana Code 13-7, the Indiana Environmental Management Act, and Indiana Administrative Code, 329 IAC 3.1 (formerly 329 IAC 3), "Hazardous Waste Management Permit Program and Related Hazardous Waste Management Requirements."

Staff has reviewed the materials submitted and determined that they are inadequate to achieve compliance with the hazardous waste management requirements under 329 IAC 3.1. Our concern pertaining to these materials is listed below:

In your response to Order No. 1(c) the job descriptions lack the proper requisite skills, education or other qualifications and duties of facility personnel assigned to each position. Revise the job descriptions to include this information and submit a copy of the revised descriptions to this office.

Your response must be revised or supplemented as necessary to address these deficiencies and be submitted to this office within thirty (30) days.

If you fail to respond fully and adequately within the time specified and document your facility's return to compliance, a formal Notice of Violation will be issued to compel compliance.

Mr. James Tarpo

-2-

If you have any questions regarding this matter, please contact
Ms. Lisa E. Smith of this office at 317/232-7202.

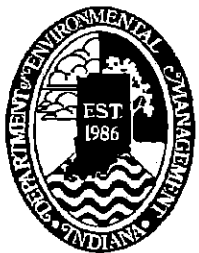
Very truly yours,

Rosemary W. Cantwell for

Rosemary W. Cantwell, Acting Chief
Enforcement Section
Hazardous Waste Management Branch
Solid and Hazardous Waste Management

LES/rmw

cc: Lake County Health Department
Ms. Uylaine McMahan, EPA, Region V ✓



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Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

STATE OF INDIANA)
COUNTY OF MARION)

SS: BEFORE THE INDIANA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

COMMISSIONER OF THE DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT,)

Complainant,)

v.)

AMERICAN CHEMICAL SERVICE, INC.,)

Respondent.)

CAUSE NO. H-11483

AGREED ORDER

The Commissioner and the Respondent, being desirous of settling and compromising this action without hearing or adjudication of any issue of fact or law, hereby consent to the entry of the following Findings of Fact and Order.

I. FINDINGS OF FACT

Upon the consent of the parties hereto, the following findings are made:

1. Complainant is the Commissioner (hereinafter referred to as "Complainant") of the Indiana Department of Environmental Management (hereinafter referred to as "IDEM"), a department of the State of Indiana created by IC 13-7-2-11.
2. IDEM has jurisdiction over the Respondent and the subject matter of this action.
3. American Chemical Service, Inc., (hereinafter referred to as "Respondent"), owns a place of business, located in Griffith, Indiana.
4. Respondent has submitted notification of hazardous waste activities to the U.S. Environmental Protection Agency (EPA) as a large quantity generator of hazardous waste on August 15, 1980, and has obtained the U.S. EPA identification number of IND 016360265.
5. Respondent submitted a Part A permit in November 1980, for a hazardous waste container storage unit and a waste pile. Respondent submitted a Part A permit in February 1982 to include tank treatment and storage. Respondent submitted a closure plan, and received a closure plan approval for the waste

pile on December 19, 1988. Closure plan approval for the container storage unit and the tank treatment and storage unit was given on August 4, 1992. Final closure has been completed.

6. Based upon an investigation of the facility on December 2, 1992, by the Office of Solid and Hazardous Waste Management, IDEM contends that the following violations were in existence or observed at the time of the inspection.
 - a. Pursuant to 40 CFR 268.50(c), an owner/operator of a treatment, storage or disposal facility may store such wastes beyond one year; however, the owner/operator bears the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal. Based on information gathered by IDEM, Respondent has failed to document that such storage is necessary to facilitate proper recovery, treatment, or disposal of thirty-nine (39) drums of F001/F002/F003/F005 of closure clean up debris from the waste pile stored on-site for greater than one (1) year. Storage dates on the drums start in 1989.
 - b. Pursuant to 40 CFR 262.34(c)(1)(ii), a generator may accumulate as much as fifty-five (55) gallons of hazardous waste in containers at or near any point of generation where wastes initially accumulate, provided he marks his containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers. Based on information gathered by IDEM, Respondent failed to mark a container of solids from railroad tank bottoms located in the additive blending building satellite accumulation area with the words "Hazardous Waste" or other words identifying the contents. This violation was corrected during the December 2, 1992 inspection.
 - c. Pursuant to 40 CFR 265.75(h), the biennial report must cover facility activities during the previous calendar year and must include the following information for generators who treat, store, or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated. Based on information gathered by IDEM, Respondent has failed to describe efforts to reduce the volume and toxicity of waste generated in the 1991 biennial report.
7. Pursuant to IC 13-7-11-2(b), IDEM issued a Notice of Violation via Certified Mail on September 28, 1993, to:

Mr. James Tarpo, President
American Chemical Service, Inc.
420 South Colfax Avenue
P.O. Box 190
Griffith, Indiana 46319

8. On November 9, 1993, the parties met to discuss settlement.
9. Respondent has provided Complainant copies of Hazardous Waste Manifests LAA3147323, dated January 11, 1993; and LAA3147324, dated January 19, 1993, demonstrating the disposal of the thirty-nine (39) drums referred to in Finding 6(a).
10. Respondent has provided Complainant a copy of the waste minimization report that was not attached to the 1991 biennial report when filed, thereby achieving compliance with Finding 6(c).
11. In recognition of the settlement reached, Respondent waives any right to administrative and judicial review of this Agreed Order and agrees not to contest the jurisdiction of Complainant to enter into this Order.

II. ORDER

WHEREFORE, based upon the Findings of Fact and upon the consent of the parties, it is hereby ORDERED that:

1. Respondent is assessed a Civil Penalty of \$16,500. Said Penalty amount shall be due and payable to the Environmental Management Special Fund within thirty (30) days of the effective date of this Order, as directed by Paragraph No. 2.
2. Civil penalties are payable by check to the Environmental Management Special Fund. Checks shall include the Cause Number and shall be mailed to:

Cashier
IDEM
105 South Meridian Street
P.O. Box 7060
Indianapolis, Indiana 46206-7060
3. In the event that the civil penalty required by paragraph No. 1 is not paid within thirty (30) days of the effective date of this Agreed Order, Respondent shall pay interest on the unpaid balance at the rate established by IC 24-4.6-1-101. The interest shall begin to accrue on the date the civil penalty is due until the full civil penalty is paid.
4. This Order shall apply to and be binding upon the Respondent, its officers, directors, principals, employees, agents, successors, subsidiaries, legal representatives and assigns. The signatories to this Order certify that they are fully authorized to execute and legally bind the parties they represent. No change in ownership, corporate, or partnership status of the Respondent shall in any way alter its status or responsibilities under this Order.
5. The Respondent shall provide a copy of this Order, if in force, to any subsequent owners or successors before ownership rights are transferred. The Respondent shall provide a copy of this Order to all contractors,

sub-contractors, laboratories, and consultants which are retained to conduct any work performed under this Order, within fourteen (14) days after the later of the effective date of this Order or the date of retaining their services. Respondent shall by contract require that all contractors, firms, and other persons acting for it comply with the terms of this Order.

6. Respondent shall comply with all applicable laws and all rules of any board created by Title 13 of the Indiana Code.
7. This Order shall be valid and enforceable the date this Order is adopted by the Complainant or her delegatee. However, all time periods shall run from the date Respondent receives this Order (hereinafter called "effective date"). This Agreed Order shall remain in effect until IDEM issues a Resolution of Cause letter to Respondent.

TECHNICAL RECOMMENDATION: RESPONDENT

By: Rosemary Cantwell
Rosemary W. Cantwell, Chief
Hazardous Waste Section
Office of Enforcement

Date: 12-21-93

By: James Tarpo
James Tarpo, President
American Chemical Service, Inc.

Date: 1-7-94

COUNSEL FOR COMPLAINANT

By: Scott R. Stettin
Office of Legal Counsel

Date: 12/21/93

COUNSEL FOR RESPONDENT

By: Maureen Ann Grimmer
Maureen Grimmer

Date: 1/10/94

**APPROVED AND ADOPTED BY THE INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

This 9th day of Feb, 1994.

Rosemary Spalding for
Kathy Prosser, Commissioner



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Governor
Kathy Prosser
Commissioner

RECEIVED
OCT 04 1993

**OFFICE OF RCRA
WASTE MANAGEMENT DIV.
EPA, REGION V**

105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

VIA CERTIFIED MAIL #P 215676092

NOTICE OF VIOLATION

RECEIVED OCT 27 1993
WMD RCRA
RECORD CENTER
Compliance
Ph A-S

To: James Tarpo, President and Resident Agent
American Chemical Service, Inc.
420 South Colfax Avenue
P.O. Box 190
Griffith, Indiana 46319

Cause No. H-11483

A designated representative of the Department of Environmental Management (IDEM) conducted an inspection of American Chemical Service, Inc., located at 420 Colfax Avenue, Griffith, Indiana, on December 2, 1992. The U.S. EPA I.D. number of your facility is IND 016360265.

The inspection, conducted by Messrs. Rick Roudebush and Marc Herdrich of the Office of Solid and Hazardous Waste Management (OSHW) of the Department, revealed violations of the Hazardous Waste Management Rules under 329 IAC 3.1. This article incorporates federal standards for the management of hazardous waste, which have been published in 40 CFR 260 through 40 CFR 270, as of July 1, 1991.

The violations observed are as stated in Finding No. 6 of the enclosed proposed Agreed Order.

In accordance with Indiana Code (IC) 13-7-11-2(b), I am required to notify you in writing that I believe a violation exists and offer you an opportunity to enter into an Agreed Order providing for the actions required to correct the violations and for the payment of a civil penalty.

If settlement is not reached within sixty (60) days of your receipt of this Notice, pursuant to IC 13-7-11-2(c), the Commissioner may issue an order containing the actions you must take to achieve compliance, the required time frames, and an appropriate civil penalty. Pursuant to IC 13-7-13-1, the Commissioner may assess penalties of up to \$25,000 per day of any violation.

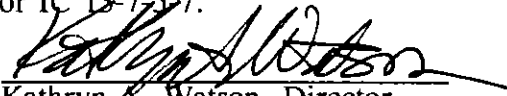
I have enclosed a proposed Agreed Order which the Commissioner is willing to enter into as the final resolution of this matter. If you are willing to resolve this matter as provided for in the Agreed Order, sign and return it to Ms. Lisa Smith of the Office of Enforcement, Hazardous Waste Section, at the above address within the 60-day settlement period. If you wish to discuss the terms of the Agreed Order, please contact Ms. Smith at 317/232-7202 to arrange for a conference. In order to reach a settlement within the 60-day settlement period, you should contact her within fifteen (15) days of your receipt of this Notice.

The advantages of entering into an Agreed Order prior to proceedings under IC 13-7-11-2(c) are:

1. You are not required to admit the violations occurred.
2. Normally, the civil penalty will be less than that imposed under an Order of the Commissioner under IC 13-7-11-2(c).
3. The timely entry into an Agreed Order will prevent the necessity of a Commissioner's Order being issued, under IC 13-7-11-2(c), or the filing of a civil court action under IC 13-7-12 or IC 13-7-5-7.

Date:

September 27, 1993


Kathryn A. Watson, Director
Office of Enforcement

Enclosure

cc: Lake County Health Department (with enclosure)
Ms. Uylaine McMahan, U.S. EPA, Region V (with enclosure)
Office of Legal Counsel (with enclosure)
Ms. Rosemary W. Cantwell (with enclosure)
Mr. David Dabertin (with enclosure)
Ms. Pamela O'Rourke (with enclosure)



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Evan Bayh
Governor
Kathy Prosser
Commissioner

105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

STATE OF INDIANA)	SS: BEFORE THE INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
COUNTY OF MARION)	
COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT,)	CAUSE NO. H-11483
Complainant,)	
v.)	
AMERICAN CHEMICAL SERVICE, INC.,)	
Respondent.)	

AGREED ORDER

The Commissioner and the Respondent, being desirous of settling and compromising his action without hearing or adjudication of any issue of fact or law, hereby consent to the entry of the following Findings of Fact and Order.

I. FINDINGS OF FACT

Upon the consent of the parties hereto, the following findings are made:

1. Complainant is the Commissioner (hereinafter referred to as "Complainant") of the Indiana Department of Environmental Management (hereinafter referred to as "IDEM"), a department of the State of Indiana created by IC 13-7-2-11.
2. IDEM has jurisdiction over the Respondent and the subject matter of this action.
3. American Chemical Service, Inc., (hereinafter referred to as "Respondent"), owns a place of business, located in Griffith, Indiana.

4. Respondent has submitted notification of hazardous waste activities to the U.S. Environmental Protection Agency (EPA) as a large quantity generator of hazardous waste on August 15, 1980, and has obtained the U.S. EPA identification number of IND 016360265.
5. Respondent submitted a Part A permit in November 1980, for a hazardous waste container storage unit and a waste pile. Respondent submitted a Part A permit in February 1982 to include tank treatment and storage. Respondent submitted a closure plan, and received a closure plan approval for the waste pile on December 19, 1988. Closure plan approval for the container storage unit and the tank treatment and storage unit was given on August 4, 1992. Final closure on all units is pending.
6. Based upon an investigation of the facility on December 2, 1992, by the Office of Solid and Hazardous Waste Management, IDEM contends that the following violations were in existence or observed at the time of the inspection.
 - a. Pursuant to 40 CFR 268.50(c), an owner/operator of a treatment, storage or disposal facility may store such wastes beyond one year; however, the owner/operator bears the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal. Based on information gathered by IDEM, Respondent has failed to document that such storage is necessary to facilitate proper recovery, treatment, or disposal of thirty-nine (39) drums of F001/F002/F003/F005 of closure clean up debris from the waste pile stored on-site for greater than one (1) year. Storage dates on the drums start in 1989.
 - b. Pursuant to 40 CFR 262.34(c)(1)(ii), a generator may accumulate as much as fifty-five (55) gallons of hazardous waste in containers at or near any point of generation where wastes initially accumulate, provided he marks his containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers. Based on information gathered by IDEM, Respondent failed to mark a container of solids from railroad tank bottoms located in the additive blending building satellite accumulation area with the words "Hazardous Waste" or other words identifying the contents.
 - c. Pursuant to 40 CFR 265.75(h), the biennial report must cover facility activities during the previous calendar year and must include the following information for generators who treat, store,

or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated. Based on information gathered by IDEM, Respondent has failed to describe efforts to reduce the volume and toxicity of waste generated in the 1991 biennial report.

7. Pursuant to IC 13-7-11-2(b), IDEM issued a Notice of Violation via Certified Mail to:

Mr. James Tarpo, President
American Chemical Service, Inc.
420 South Colfax Avenue
P.O. Box 190
Griffith, Indiana 46319

8. In recognition of the settlement reached, Respondent waives any right to administrative and judicial review of this Agreed Order and agrees not to contest the jurisdiction of Complainant to enter into this Order.

II. ORDER

WHEREFORE, based upon the Findings of Fact and upon the consent of the parties, it is hereby ORDERED that:

1. Upon the effective date of the Order, Respondent shall no longer store hazardous waste on-site for greater than ninety (90) days in accordance with 40 CFR 262.34.
2. Within thirty (30) days of the effective date of the Order, any hazardous waste currently stored on-site for greater than ninety (90) days shall be transported off-site to an approved treatment, storage, and disposal facility. Submit a manifest to verify that wastes in Finding No. 6.a. above have been properly transported and disposed.
3. Upon the effective date of the Order, Respondent shall ensure that all hazardous waste containers in the satellite accumulation areas are marked with the words "Hazardous Waste" or with other words identifying the contents.
4. Within thirty (30) days of the effective date of the Order, Respondent shall submit a description of the efforts undertaken during 1990 to reduce the volume and toxicity of waste generated, required as part of the 1991 Biennial Report to this office.
5. Unless the Order indicates otherwise, all submittals required by this Agreed Order shall be sent to:

Ms. Lisa E. Smith
Office of Enforcement
Indiana Department of
Environmental Management
P.O. Box 6015
Indianapolis, Indiana 46206-6015

6. Respondent is assessed a Civil Penalty of \$21,125. Said Penalty amount shall be due and payable to the Environmental Management Special Fund within thirty (30) days of the effective date of this Order, as directed by Paragraph No. 8.
7. In the event the following terms and conditions are violated, the Complainant may assess and the Respondent shall pay a stipulated penalty in the following amounts:

<u>Violation</u>	<u>Penalty</u>
Failure to comply with the time frames as specified in Orders No. 1 thru 4 of the Agreed Order.	\$ 500/day 1st 7 days \$1000/day 8-30 days \$2500/day 31-60 days \$5000/day over 60 days

Said stipulated penalty shall be due and payable within thirty (30) days after Respondent receives written notice from IDEM that a stipulated penalty is due. Assessment and payment of said stipulated penalty shall not preclude the Complainant from seeking any injunctive relief against the Respondent for violation of the Agreed Order.

In lieu of assessment of the stipulated penalty given above, the Complainant may seek any other remedies or sanctions available by virtue of Respondent's violation of this Agreed Order, including, but not limited to, civil penalties pursuant to IC 13-7-13.

8. Civil and stipulated penalties are payable by check to the Environmental Management Special Fund. Checks shall include the Cause Number and shall be mailed to:

Cashier
IDEM
105 South Meridian Street
P.O. Box 7060
Indianapolis, Indiana 46206-7060

9. In the event that the civil penalty required by paragraph No. 6 is not paid within thirty (30) days of the effective date of this Agreed Order or the payment of the stipulated penalties assessed pursuant to paragraph No. 7 are not made within thirty (30) days of Respondent's receipt of IDEM's demand, Respondent shall pay interest on the unpaid balance at the rate established by IC 24-4.6-1-101. The interest shall begin to accrue on the date the civil penalty or stipulated penalty is due until the full civil penalty is paid.
10. This Order shall apply to and be binding upon the Respondent, its officers, directors, principals, employees, agents, successors, subsidiaries, legal representatives and assigns. The signatories to this Order certify that they are fully authorized to execute and legally bind the parties they represent. No change in ownership, corporate, or partnership status of the Respondent shall in any way alter its status or responsibilities under this Order.
11. The Respondent shall provide a copy of this Order, if in force, to any subsequent owners or successors before ownership rights are transferred. The Respondent shall provide a copy of this Order to all contractors, sub-contractors, laboratories, and consultants which are retained to conduct any work performed under this Order, within fourteen (14) days after the later of the effective date of this Order or the date of retaining their services. Respondent shall by contract require that all contractors, firms, and other persons acting for it comply with the terms of this Order.
12. Respondent shall comply with all applicable laws and all rules of any board created by Title 13 of the Indiana Code.
13. This Order shall be valid and enforceable the date this Order is adopted by the Complainant or her delegatee. However, all time periods shall run from the date Respondent receives this Order (hereinafter called "effective date"). This Agreed Order shall remain in effect until IDEM issues a Resolution of Cause letter to Respondent.

TECHNICAL RECOMMENDATION:

RESPONDENT

By: Rosemary Cantwell
Rosemary W. Cantwell
Hazardous Waste Section
Office of Enforcement

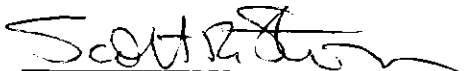
By: _____

Date: 8-11-93

Date: _____

COUNSEL FOR COMPLAINANT

By:



Office of Legal Counsel

Date:

9/8/93

COUNSEL FOR RESPONDENT

By: _____

Date: _____

APPROVED FOR LEGALITY AND FORM:

PAMELA CARTER

Attorney General of Indiana

By: _____

Deputy Attorney General

Date: _____

***APPROVED AND ADOPTED BY THE INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT***

This ____ day of _____, 199__.

Kathy Prosser, Commissioner



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Evan Bayh
Governor
Kathy Prosser
Commissioner

RECEIVED

APR 30 1992

105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V

April 27, 1992

VIA CERTIFIED MAIL P 124 433 887

Mr. James Tarpo
American Chemical Service, Inc.
420 South Colfax Avenue
Griffith, Indiana 46319

*Put on
active file*

Dear Mr. Tarpo:

Re: Violation Letter (VL-11086)
Hazardous Waste Management
Compliance Evaluation Inspection
American Chemical Service, Inc.
EPA I.D. No. IND 016360265
Griffith, Lake County

Representatives of the Department of Environmental Management (Department) are conducting inspections of facilities in Indiana that are engaged in the generation, transportation, treatment, storage, or disposal of hazardous waste. Facilities are being inspected to determine compliance with Indiana Code 13-7 (IC 13-7), "Environmental Management Act," and Indiana Administrative Code, 329 IAC 3, "Hazardous Waste Management Permit Program and Related Hazardous Waste Management Requirements." These inspections and record reviews are also being conducted pursuant to the requirements of the Resource Conservation and Recovery Act (RCRA), Public Law 94-580, as amended, for authorized state hazardous waste management programs.

This is to inform you that on January 24, 1992, an inspection of American Chemical Service, Inc., located at 420 South Colfax Avenue, Griffith, Indiana, was conducted by Mr. Jack Brunner and Ms. Lorraine Morris of PRC Environmental Management, contract inspectors for the Office of Solid and Hazardous Waste Management (OSHW), of the Department. You represented your firm at this inspection.

The following violations of 329 IAC 3 pertaining to the operation of your facility were noted:

1. 329 IAC 3-16-7(d) 1 & 2 Personnel training records lacked in these areas:
 - a. job titles for the position related to hazardous waste management,

Mr. James Tarpo

-2-

- b. names of the employees filling each job title,
 - c. job descriptions, including the required skills, education, or other qualifications and the duties of the personnel assigned to the position.
- 2. 329 IAC 3-23-4(c) The outdoor drum storage area lacks adequate aisle space between rows (approximately two and one-half (2 1/2) feet) to facilitate inspections.
- 3. 329 IAC 3-7-2 The generator has not determined if the filter solids are hazardous.
- 4. 329 IAC 3-8-4 The facility did not send the Indiana Department of Environmental Management (IDEM) a copy of each manifest for three (3) hazardous waste shipments that occurred in 1991. The three (3) Louisiana Manifests are 026090, dated March 15, 1991, 020889, dated June 4, 1991, and 905159, dated September 17, 1991.

American Chemical Service, Inc., within thirty (30) calendar days of receipt of this letter, shall achieve compliance with the following requirements:

- 1. Revise personnel training records to include:
 - a. job titles,
 - b. employee names filling the position,
 - c. job descriptions (enclosed is a guidance document "Hazardous Waste Personnel Training" for your information).
- 2. Provide the outdoor drum storage area with adequate aisle space.
- 3. Determine if the waste generated is hazardous as defined by 329 IAC 3-5 and 3-6. (If you believe the waste is not hazardous, submit analyses to support your decision.)
- 4. Submit a copy of manifest Nos. 026090, 020889, and 905159 to the Department as required. Henceforth, ensure that hazardous waste manifests are submitted to the Department within five (5) working days after offering hazardous waste to transporters.

Your company shall submit to this office, within thirty-five (35) calendar days of receipt of this letter, a written detailed explanation of the steps

Mr. James Tarpo

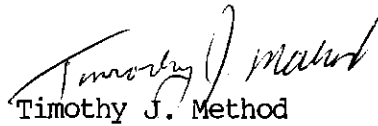
-3-

taken to achieve compliance with each requirement. The letter shall state the date compliance was achieved.

Failure to respond adequately to this Violation Letter and verify a return to compliance at this facility will result in escalated enforcement action.

Please direct your response to this letter and any questions to Ms. Lisa E. Smith of the Office of Solid and Hazardous Waste Management, of the Department at 317/232-7202.

Sincerely,



Timothy J. Method
Assistant Commissioner
Solid and Hazardous Waste Management

LES/rmw

Enclosure

cc: Lake County Health Department
Ms. Uylaine McMahan, U.S. EPA, Region V ✓



FILE

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Evan Bayh
Governor

Kathy Prosser
Commissioner

105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

November 6, 1991

Mr. John J. Murphy
American Chemical Services, Inc.
P.O. Box 190
Griffith, Indiana 46319

Re: Former Solids Mixing Area Closure
American Chemical Service, Inc.
Griffith, Indiana

016360265

Dear Mr. Murphy:

The Indiana Department of Environmental Management (IDEM) has reviewed the interim report dated September 4, 1991. After reviewing the interim report the agency has found it to be unacceptable for the following reasons.

Although the initial background data points are clustered closely together and results obtained from each of the initial five borings are similar, it is not appropriate to treat the initial background data as a single, independent point. Treating the initial background data as an independent point biases the data towards the three additional background borings, resulting in unacceptably high clean closure concentrations.

The background data provided in the interim report, as a whole, is unacceptable due to the lack of QA/QC provided. Units of measure were not provided; it was assumed that the background data was reported as parts per million (ppm).

Background boring B-9 was located directly adjacent to a railroad spur track, possibly resulting in high lead background concentrations. Barium concentrations were also elevated at boring B-9, possibly resulting from fill material used during rail construction. Had this boring been proposed during the appropriate time frame, it would not have been approved.

Additionally your facility is subject to an Agreed Order that was approved on April 11, 1990. In Exhibit A on page 8 of your Agreed Order, your background locations have been approved. Therefore American Chemical Service must continue closure of the Solids Mixing Area (SMA) according to the approved Agreed Order.

Mr. John J. Murphy
Page 2

If you have any questions concerning this matter, please contact Mr. Mitch Mosier at AC 317/232-4534.

Sincerely,



Victor P. Windle, Chief
Plan Review and Permit Section
Hazardous Waste Management Branch
Solid and Hazardous Waste Management

MJM/go

cc: Mr. Hak Cho, U.S. EPA, Region V ✓
Mr. Steve Buckel, IDEM



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

105 South Meridian Street
P.O. Box 6015
Indianapolis 46206-6015
Telephone 317/232-8603

August 8, 1991

Mr. Michael Burge
American Chemical Services, Inc.
P.O. Box 190
Griffith, Indiana 46319

Re: Letter of Compliance, Case No. VL-10864
Hazardous Waste Management
American Chemical Services, Inc.
EPA I.D. No. ~~IND~~ 016360265
Griffith, Lake County

Dear Mr. Burge:

Based upon documents available to the Office of Solid and Hazardous Waste Management staff during a record review on July 26, 1991, it has been determined that American Chemical Services, Inc. has achieved compliance with the terms of the Violation Letter issued to your firm on June 27, 1991.

If you have any questions concerning this matter, feel free to contact Ms. Lisa E. Smith of the Office of Solid and Hazardous Waste Management at AC 317/232-7202.

Sincerely,

Timothy J. Method
Assistant Commissioner
Solid and Hazardous Waste Management

LES/rmw

cc: Lake County Health Department
Ms. Uylaine McMahan, U.S. EPA, Region V



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

105 South Meridian Street
P.O. Box 6015
Indianapolis 46206-6015
Telephone 317/232-8603

July 29, 1991

Mr. John Murphy
American Chemical Services, Inc.
P.O. Box 190
Griffith, Indiana 46319

Re: Letter of Compliance, Case No. VI-10762
Hazardous Waste Management
American Chemical Services, Inc.
EPA I.D. No. IND 016360265
Griffith, Lake County

Dear Mr. Murphy:

Based upon documents available to the Office of Solid and Hazardous Waste Management staff during a record review on June 27, 1991, it has been determined that American Chemical Services, Inc., has achieved compliance with the terms of the Violation Letter issued to your firm on May 22, 1991.

If you have any questions concerning this matter, feel free to contact Ms. Lisa E. Smith of the Office of Solid and Hazardous Waste Management at AC 317/232-7202.

Sincerely,

Timothy J. Method
Assistant Commissioner
Solid and Hazardous Waste Management

LES/rmw

cc: Lake County Health Department
Ms. Uylaine McMahan, U.S. EPA, Region V
Mr. Julian Mills



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

105 South Meridian Street
P.O. Box 6015
Indianapolis 46206-6015
Telephone 317/232-8603

June 27, 1991

VIA CERTIFIED MAIL P 124 438 065

Mr. Michael Burge
American Chemical Services, Inc.
P.O. Box 190
Griffith, Indiana 46319

Re: Violation Letter (VL-10864)
Hazardous Waste Management
Manifest Tracking Inspection
American Chemical Services, Inc.
EPA I.D. No. IND 016360265
Griffith, Lake County

Dear Mr. Burge:

Representatives of the Department of Environmental Management (Department) are conducting inspections of facilities in Indiana that are engaged in the generation, transportation, treatment, storage, or disposal of hazardous waste. Facilities are being inspected to determine compliance with Indiana Code 13-7 (IC 13-7), "Environmental Management Act," and Indiana Administrative Code, 329 IAC 3, "Hazardous Waste Management Permit Program and Related Hazardous Waste Management Requirements." These inspections and record reviews are also being conducted pursuant to the requirements of the Resource Conservation and Recovery Act (RCRA), Public Law 94-580, as amended, for authorized state hazardous waste management programs.

Based on your conversation with Mr. Julian Mills of Manifest Tracking on May 28, 1991, it was brought to our attention that your company is in violation of Indiana Administrative Code, 329 IAC 3, "Hazardous Waste Management Permit Program and Related Hazardous Waste Management Requirements."

The following violation of 329 IAC 3, pertaining to the operation of your facility was noted:

1. 329 IAC 3-19-2(a)(6); retain at the facility a copy of each manifest for at least three (3) years from the date of delivery. American Chemical Services, Inc., violated this regulation on the following hazardous waste shipment;

An Equal Opportunity Employer

Mr. Michael Burge

-2-

INA0355942	(February 16, 1990)
INA0397490	(February 16, 1990)
INA0373265	(August 17, 1990)
INA0373267	(August 17, 1990)
INA0373266	(August 17, 1990)

American Chemical Services, Inc., within thirty (30) calendar days of receipt of this letter, shall achieve compliance with the following requirement:

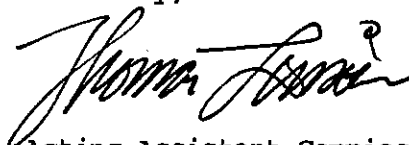
1. The owner or operator must comply with the following requirements of 329 IAC 3-19-2(a)(6): retain at the facility a copy of each manifest for at least three (3) years from the date of delivery.

Your company shall submit to this office, within thirty-five (35) calendar days of receipt of this letter, a written detailed explanation of the steps taken to achieve compliance with each requirement. The letter shall state the date compliance was achieved.

Failure to respond adequately to this Violation Letter and verify a return to compliance at this facility will result in escalated enforcement action.

Please direct your response to this letter and any questions to Ms. Lisa E. Smith of the Office of Solid and Hazardous Waste Management, of the Department, AC 317/232-7202.

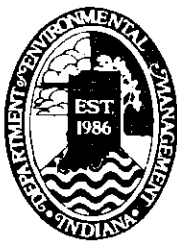
Sincerely,



Acting Assistant Commissioner
Solid and Hazardous Waste Management

LES/rmw

cc: Lake County Health Department
Ms. Uylaine McMahan, U.S. EPA, Region V ✓



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

105 South Meridian Street
P.O. Box 6015
Indianapolis 46206-6015
Telephone 317/232-8603

RECEIVED
MAY 23 1991

VIA CERTIFIED MAIL P 124 438 021

May 22, 1991

Mr. John J. Murphy
American Chemical Services, Inc.
P.O. Box 190
Griffith, Indiana 46319

Re: Violation Letter (VL-10762)
Hazardous Waste Management
Manifest Record Review
American Chemical Services, Inc.
EPA I.D. No. IND 016360265
Griffith, Lake County

Dear Mr. Murphy:

Representatives of the Department of Environmental Management (Department) are conducting reviews of facilities in Indiana that are engaged in the generation, transportation, treatment, storage, or disposal of hazardous waste. Facilities are being reviewed to determine compliance with Indiana Code 13-7 (IC 13-7), "Environmental Management Act," and Indiana Administrative Code, 329 IAC 3, "Hazardous Waste Management Permit Program and Related Hazardous Waste Management Requirements." These reviews are also being conducted pursuant to the requirements of the Resource Conservation and Recovery Act (RCRA), Public Law 94-580, as amended, for authorized state hazardous waste management programs.

This is to inform you that on April 1, 1991, a manifest record review of American Chemical Services, Inc., located at 420 South Colfax Avenue, Griffith, Indiana, was conducted by Ms. Lisa E. Smith of the Office of Solid and Hazardous Waste Management (OSHW), of the Department.

The following violation of 329 IAC 3 pertaining to the operation of your facility was noted:

1. 329 IAC 3-19-2(c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of 329 IAC 3-7 through 329 IAC 3-11. American Services, Inc., violated this regulation on the following hazardous waste shipments:

INA0355942
INA0397490

(February 16, 1990)
(February 16, 1990)

An Equal Opportunity Employer

Mr. John J. Murphy

-2-

INA0373265	(August 17, 1990)
INA0373267	(August 17, 1990)
INA0373266	(August 17, 1990)

American Chemical Services, Inc., within thirty (30) calendar days of receipt of this letter, shall achieve compliance with the following requirements:

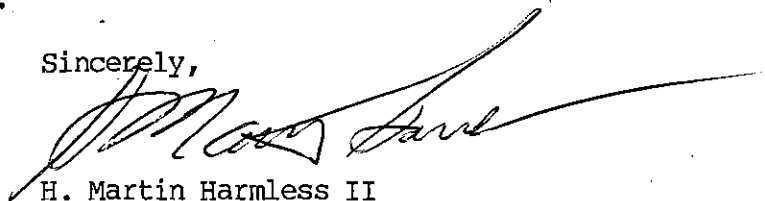
1. The owner or operator must comply with the following requirements of 329 IAC 3-19-2(c):
 - a. Partial shipments shall not be received by your facility; and
 - b. If the entire shipment cannot be accepted, it is necessary to reject the entire load prior to signing the manifest.
2. Provide documentation of the ultimate destination of the hazardous wastes listed above.

Your company shall submit to this Office, within thirty-five (35) calendar days of receipt of this letter, a written detailed explanation of the steps taken to achieve compliance with this requirement. The letter shall state the date compliance was achieved.

Failure to respond adequately to this Violation Letter and verify a return to compliance at this facility will result in escalated enforcement action.

Please direct your response to this letter and any questions to Ms. Lisa E. Smith of the Office of Solid and Hazardous Waste Management, of the Department, AC 317/232-7202.

Sincerely,



H. Martin Harmless II
Assistant Commissioner
Solid and Hazardous Waste Management

CJM/rmw

cc: Lake County Health Department
Ms. Ann Budich, U.S. EPA, Region V ✓
Mr. D. Bruce Kizer

Coffield Ungaretti Harris & Slavin

CHICAGO OFFICE:
3500 Three First National Plaza, Chicago, Illinois 60602
Telephone: 312/977-4400 · Fax: 312/977-4405

WASHINGTON OFFICE:
1747 Pennsylvania Avenue, N.W., Suite 900, Washington, D.C. 20006
Telephone: 202/872-4310 · Fax: 202/833-1274

September 11, 1990

VIA MESSENGER

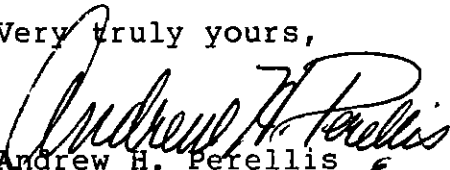
Steve Siegel, Esq.
Assistant Regional Counsel (5CS TUB-3)
United States Environmental Protection Agency
111 West Jackson
3rd Floor
Chicago, Illinois 60604

Re: American Chemical Services CERCLA Site -- Griffith,
Indiana
Our File #10615-00001

Dear Mr. Siegel:

Enclosed is a summary of an EPA enforcement action under RCRA/CERCLA which should be of substantial interest to you.

Very truly yours,


Andrew H. Perellis

AHP:cc
ahp0414

Enclosure

cc: ACS Legal Subcommittee Members
Thomas M. Giller, Esq.
Ms. Elizabeth S. Kucera
Ms. Judy Kleimar
Mr. Robert Swale
Mr. Dan Bahk
Mr. Joe Boyle
Mr. Hale Clic

remedial actions that have not been 'taken' or 'secured.'"

The People Against the Incinerator (PATI), a citizen group formed to protest the remedy, charged in an August 28 brief that the 7th Circuit Court had misinterpreted Section 9613(h) of the Comprehensive Environmental Response, Compensation & Liability Act (CERCLA) as prohibiting pre-enforcement challenges.

PATI has labeled EPA's action illegal because the selection process was not opened up to public participation until after incineration was chosen, according to an attorney for the group. "The issue is EPA's failure to perform environmental assessments required under NEPA [the National Environmental Policy Act] and Superfund," this source said. The cleanup remedy was not based on these studies because they were never performed, this source said, adding that there was no public comment period before approving the cleanup decision, known as the Enforcement Decision Document (EDD).

EPA released the proposed consent decree Dec. 3, 1984, signed the EDD on Dec. 4 and held the first public meeting on Dec. 5.

An internal investigation by EPA determined that selection of the remedy was appropriate, although the report "mischaracterized how well EPA complied" with the risk assessment requirement, a PATI attorney said.

The soil at the sites is contaminated with PCBs and heavy metals. The ash from the incinerator would probably be disposed in an acceptable landfill, sources familiar with the site said. Cleanup has not begun and the PRPs are moving slowly at the site because of the concerns about the legal challenges, one source said, although an EPA regional source said the agency was "devoting much effort to work through the permitting

process to build the incinerator."

EPA sources said they could not comment on the suit, although they did say EPA was aware of PATI's Supreme Court petition. One EPA source said the soil at Westinghouse plant site is being excavated and placed into piles while studies on how to dispose of it are conducted.

Under the consent decree between the City of Bloomington, EPA and Westinghouse, the company would be paid to burn garbage from the city to fuel the proposed incinerator, one that would burn the PCB-contaminated soil from the Superfund sites. PATI alleges in their brief that Westinghouse hoped to use this "tipping fee," together with the sale of steam-generated electricity from the incinerator and the sale of the incinerator technology, to offset the costs of cleanup.

ENFORCEMENT — EPA files suit under Superfund and RCRA at operating facility

In what EPA has called a very unusual enforcement action, the agency has filed a lawsuit under Superfund at an operating facility. The complaint is also unique because it asks the court to close the facility and award the government tens of millions of dollars in penalties. The suit was filed together with claims under the Resource Conservation & Recovery Act (RCRA), the statute governing hazardous waste disposal at operating facilities, and may provide a unique showcase of cleanups of similar waste at one site under two laws. Superfund, an authority generally reserved for abandoned sites, has never before been used to recover cleanup costs incurred at an operating facility, sources say.

EPA chose to use the Superfund authority at the facility because the agency does not have authority to treat the contaminated groundwater at the site under corrective action, the cleanup mechanism under RCRA, agency sources claim.

In an unusual move, EPA has also decided it will attempt to close the facility which still blends spent solvents into a fuel mixture, which is then sold. To do this, EPA, citing numerous violations, has asked the court to revoke the company's operating permits. EPA has never before sought to have a facility closed because of hazardous releases, according to an agency source.

The suit also seeks an enormous amount of penalties, including up to \$25,000 per day for each of 100 violations of RCRA and \$8-million in penalties for violations of a 1983 consent decree reached under both RCRA and CERCLA between EPA and Solvents Recovery Service of New England, Inc. (SRSNE), the major PRP in the case. The suit also seeks to recover \$777,000 in costs incurred by EPA under Superfund at the site. EPA has also asked the court to order the company to reimburse the agency for future costs, which could reach tens of millions of dollars, EPA sources say.

The action was originally filed against Solvents in 1979 for illegally discharging chemicals into the Quinnipiac River in Connecticut. In 1982 Superfund claims for cost recovery and cleanup action were added to the suit. The site was added to the National Priorities List in 1983.

Sources familiar with the case believe the facility will be shut down and then cleaned up under Superfund. One advan-

tage EPA has had in the case is that the owners/operators were easily established. Named in the complaint as owners/operators are SRSNE, Solvents Recovery Service (SRS) and Carleton Boll, the president of SRS and SRSNE. SRSNE is a wholly-owned subsidiary of SRS. SRSNE has owned the facility since 1960.

In addition, EPA claims it has the names of more than 100 potential generator defendants that may have shipped waste to the site. Agency sources say, however, that they have no immediate plans to pursue these parties.

Pollutants from the site, located in Southington, CT, have contaminated two municipal drinking water wells, according to EPA. Residents living nearby the facility claim a higher incidence of cancer in the area has occurred in young people living near the facility. The Connecticut Department of Health, however, maintains that a causal link between the Superfund contamination and local health problems has not been established.

Cashier's
Check



HARRIS
BANK

Trust and
Savings Bank
Chicago, Illinois

228
710

AUG 27 1990

No. A870633

Pay to the
Order of

TREASURY OF THE UNITED STATES

\$51,300.00

FIFTY ONE THOUSAND THREE HUNDRED DOLLARS AND 00 CENTS

*****\$51,300*DOLLARS AND 00 CENTS

Authorized Signer

⑈0870633⑈ ⑆071000288⑆ 100⑈128⑈8⑈

United States Environmental
Protection Agency
Region V
P.O. Box 70753
Chicago, IL 60673

Re: EPA Notice of Violation
Docket No. V-W-89-R-37
Our File No. 510.5264

Dear Sirs:

Enclosed please find a cashier's check in the amount of \$51,300.00 drawn from Harris Bank (No. A870633) as the balance of the penalty from American Chemical Service, Inc.

Very truly yours,

EICHHORN, EICHHORN & LINK

By:

Maureen Johns Grimmer
Maureen Johns Grimmer

MJG/ld
Enc.

cc: Steven Siegel

Regional Hearing Clerk, Planning & Management Div. (5MF-14)

Solid Waste & Emergency Response Branch Secretary, Office of
Regional Counsel (5CS-TUB-3)

Joe Zotomayor, Jr.

US EPA Region V
Finance & Accounting
230 South Dearborn Street
Chicago, Illinois 60604
GENERAL ORDER NO. 287
DATED 9/10/90
AMOUNT \$1300

Coffield Ungaretti Harris & Slavin

CHICAGO OFFICE:
3500 Three First National Plaza, Chicago, Illinois 60602
Telephone: 312/977-4400 · Fax: 312/977-4405

WASHINGTON OFFICE:
1747 Pennsylvania Avenue, N.W., Suite 900, Washington, D.C. 20006
Telephone: 202/872-4310 · Fax: 202/833-1274

August 14, 1990

Steve Siegel, Esq.
Assistant Regional Counsel (5CS-TUB-3)
United States Environmental Protection Agency
111 West Jackson
3rd Floor
Chicago, Illinois 60604

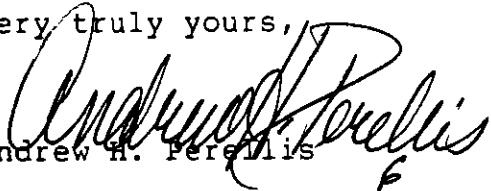
Re: American Chemical Services CERCLA Site -- Griffith,
Indiana
Our File #10615-00001

Dear Mr. Siegel:

Thank you for meeting with representatives of the ACS Steering Committee on August 8, 1990. Enclosed for your file is the recent decision of the U.S. District Court in USA v. Production Plated Plastics. As you know, the court held the individuals who were responsible for management decisions of the RCRA facility liable for certain RCRA violations, including failure to maintain financial responsibility and implement closure.

Also, as indicated, we can make our file relating to the ACS documents and CSI'S efforts available to you and Mr. Swales at your convenience. Please call to schedule an appropriate time.

Very truly yours,

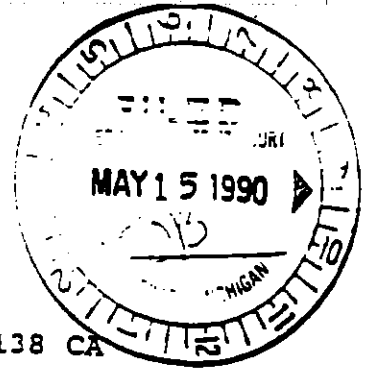

Andrew H. Perrellis

AHP:cc
ahp0414

Enclosure

cc: ACS Technical Subcommittee Members (w/o encl.)
Thomas M. Giller, Esq.
Ms. Elizabeth S. Kucera
Ms. Judy Kleimar
Mr. Robert Swale
Mr. Dan Bahk
Mr. Joe Boyle
Mr. Hale Clic

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION



UNITED STATES OF AMERICA,
et al.,

File No. K87-138 CA

Plaintiffs,

Hon. Benjamin F. Gibson

v.

PRODUCTION PLATED PLASTICS,
INC., et al.,

ORDER

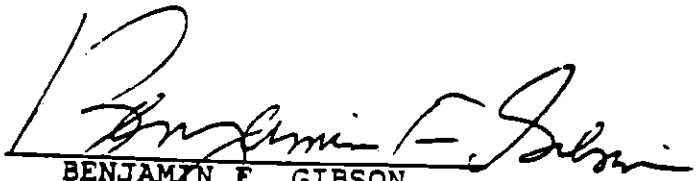
Defendants.

At a session of the Court held in and for said
District and Division in the City of Grand Rapids,
Michigan, this 14th day of May, 1990.

PRESENT: HON. BENJAMIN F. GIBSON, DISTRICT JUDGE

In accordance with the Opinion dated May 14, 1990,
IT IS HEREBY ORDERED that plaintiffs' motion for partial
summary judgment is GRANTED.

IT IS SO ORDERED.


BENJAMIN F. GIBSON
U.S. DISTRICT JUDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DB

UNITED STATES OF AMERICA,
et al.,

Plaintiffs,

v.

PRODUCTION PLATED PLASTICS,
INC., et al.,

Defendants.

File No. K87-138 CA

Hon. Benjamin F. Gibson

OPINION

INTRODUCTION

Plaintiffs United States of America, Frank J. Kelley, Attorney General for the State of Michigan, the Michigan Natural Resources Commission, and Gordon E. Guyer, Director of the Michigan Department of Natural Resources (collectively the "government"), filed the present action for permanent injunctive relief and imposition of civil penalties against defendants Production Plated Plastics, Inc., Michigan City Plastics, Inc., Michael J. Ladney, Jr.,¹ and Marguerite Ladney, pursuant to Sections 3008(a) and (g) of the Resource Conservation and Recovery Act of 1976 ("RCRA"), 42 U.S.C. §§ 6928(a) and (g), and Section 48 of the Michigan Hazardous Waste Management Act ("HWMA"), M.C.L.A. § 299.548. Plaintiffs allege that defendants operated a hazardous waste facility and stored and disposed of hazardous waste at defendant's Richland, Michigan facility ("PPP facility") in violation of RCRA and HWMA.

More specifically, Count 1 of plaintiffs' complaint alleges violations of Section 3005(a) and (e) of RCRA,

42 U.S.C. § 6925(a) and (e), and the RCRA regulations, 40 C.F.R. Part 265, by discharging hazardous waste into unlined surface impoundments and by operating waste piles without an RCRA permit or RCRA interim status. Count 2 alleges a violation of Section 3005(e) of RCRA, 42 U.S.C. § 6925(e), and the RCRA regulations, 40 C.F.R. § 265.112, by failing to submit a closure plan for the surface impoundments and waste piles within 15 days after termination of the interim status, and by failing to commence or complete closure in a timely manner. Count 3 alleges a violation of Section 3005(e) of RCRA, 42 U.S.C. § 6925(e), and the RCRA regulations, 40 C.F.R. § 265.118, by failing to submit a post-closure plan for the surface impoundments and an adequate post-closure plan for waste piles. Count 4 alleges a violation of Sections 6 and 22 of HWMA, M.C.L.A. §§ 299.506, .522, for the continued operation of an unlicensed hazardous waste storage and disposal facility.²

Presently pending before the Court is plaintiffs' motion for partial summary judgment as to the issues of defendants Production Plated Plastics, Inc.'s and Michael J. Ladney's liability under RCRA and HWMA pursuant to Federal Rule of Civil Procedure 56. For the reasons stated below, plaintiffs' motion for partial summary judgment is granted.

FACTS

Defendant Production Plated Plastics, Inc. ("PPP") is a corporation which has engaged in molding, electroplating, and painting of plastic parts primarily for the automotive industry since commencing operations in 1966. The manufacturing processes involve creation, discharge, and

storage of hazardous wastes.

In 1977, the Michigan Department of Natural Resources ("MDNR") filed an action in state court against PPP seeking to enjoin PPP from discharging wastes and seeking to order PPP to remove wastes pursuant to the Water Resources Commission Act, M.C.L.A. §§ 323.1 et seq. The state court entered a consent order in 1978 requiring PPP to remove sludge and to install and operate purge wells. Subsequent modifications of the order specified the minimum amounts of sludge PPP was required to remove per month as part of remediation and ordered other remediation procedures.

On August 18, 1980, pursuant to newly enacted RCRA requirements, defendants provided the Environmental Protection Agency ("EPA") a "Notification of Hazardous Waste Activities," listing specific hazardous wastes that were generated, treated, stored, and disposed of at the PPP facility. The notification form listed Michael J. Ladney, Jr., as the "Installation's Legal Owner." PPP also provided the EPA with a Part A permit application for permission to continue to treat, store or dispose of hazardous wastes at the PPP facility. Submission of the Part A application automatically granted PPP interim status to continue operations pending review of their application. See 42 U.S.C. § 6925(e)(1); 40 C.F.R. § 270.70(a). The Part A application listed Ladney as the facility's owner and operator and was signed by Ladney. PPP submitted a revised Part A application on or about January 17, 1985, changing the facility's legal owner to "Production Plated Plastics, Inc."

In July 1984, PPP submitted a Part B permit

application. In February and October of 1985, the EPA notified PPP of deficiencies in the second part of their application. PPP acknowledged, by letters dated November 5, 1985, and November 20, 1985, that it could not meet the RCRA financial responsibility requirements, although it claimed a good faith effort to obtain insurance. Nonetheless, PPP continued to discharge hazardous waste. However, on July 16, 1986, the Associate Regional Counsel for the EPA wrote a letter to PPP stating that the "EPA will approve the rate of removal of waste proposed in the closure plan that is in accordance with the order of the Kalamazoo County Circuit Court."

PPP filed a "Piled and Buried Sludge Closure" plan and subsequent revisions with the EPA on March 26, 1986, October 14, 1986, and July 29, 1987. PPP also filed a "Tentative Surface Impoundment Closure Plan" and subsequent revisions with the EPA on May 20, 1986, February 25, 1987, and on August 12, 1987. On September 30, 1988, the State of Michigan apparently approved the proposed closure plans. It is not clear to what extent PPP has complied with such plans to date.

STANDARD FOR REVIEW

Summary judgment is appropriate when "there is no genuine issue as to any material fact and the moving party is entitled to a judgment as a matter of law." Fed. R. Civ. P. 56(c); Atlas Concrete Pipe, Inc. v. Roger J. Au & Son, Inc., 668 F.2d 905, 908 (6th Cir. 1982). There is no material issue of fact for trial unless, by viewing the

evidence in favor of the non-moving party, a reasonable jury could return a verdict for that party. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 249 (1986); Boddy v. Dean, 821 F.2d 346, 349 (6th Cir. 1987). "If the evidence is merely colorable, or is not significantly probative, summary judgment may be granted." Anderson, 477 U.S. at 249 (citations omitted).

The party moving for summary judgment bears the initial responsibility of informing the court of the basis for its motion and identifying those portions of the record which demonstrate the absence of a material issue of fact. Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986); Potters Medical Center v. City Hospital Association, 800 F.2d 568, 572 (6th Cir. 1986). Once the moving party has met its burden, the non-moving party must go beyond the pleadings and come forward with specific facts to show that there is a genuine issue for trial. Fed. R. Civ. P. 56(e); Celotex, 477 U.S. at 322-24. If after adequate discovery the party bearing the burden of proof fails to make a showing sufficient to establish an essential element of his claim, summary judgment is appropriate. Id.

APPLICABLE LAW & ANALYSIS

RCRA was enacted as an amendment to the Solid Waste Disposal Act in an attempt by Congress to deal with problems posed by the general disposal of wastes in this country as well as the particular problems associated with the disposal of hazardous substances. Pub. L. No. 94-580, 1976 U.S. Code Cong. & Admin. News (90 Stat.) 2795, 2798; H.R. Rep. No. 1491, 94th Cong., 2d Sess., pt. 1, at 2-5, reprinted in 1976

U.S. Code Cong. & Admin. News 6238, 6239-43. The Act, amended three times since its initial enactment,³ authorizes the EPA to identify hazardous wastes, to promulgate standards for operators of hazardous waste facilities, and to issue permits for the operation of hazardous waste disposal facilities. See 42 U.S.C. §§ 6921-25. Under the Act, a civil suit may be brought against "any person ... who has contributed or who is contributing to such handling, storage, treatment, transportation, or disposal." 42 U.S.C. § 6973(a). RCRA is a remedial strict liability statute which is construed liberally. United States v. Aceto Agricultural Chemicals Corp., 872 F.2d 1373, 1383 (8th Cir. 1989); United States v. Northeastern Pharmaceutical & Chemical Co., 810 F.2d 726, 738 (8th Cir. 1986), cert. denied, 484 U.S. 848 (1987).

The 1980 amendments to RCRA, effective November 19, 1980, required each owner and operator of a "facility for the treatment, storage, or disposal of hazardous waste" to obtain a permit. 42 U.S.C. § 6925(a). However, facilities in operation at the time of enactment of the permit requirement were granted interim status in order to operate without an RCRA permit pending administrative action on the permit application. 42 U.S.C. § 6925(e).

In 1984, RCRA was amended to terminate interim status if certain conditions were not satisfied. The 1984 amendment provides that:

In the case of each land disposal facility which has been granted interim status under this subsection before November 8, 1984, interim status shall terminate on the date twelve months after November 8, 1984, unless the owner or operator of

such facility--

(A) applies for a determination regarding the issuance of a permit under subsection (c) of this section for such facility before the date twelve months after November 8, 1984; and

(B) certifies that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.

42 U.S.C. § 6925(e)(2). Thus, under this section, a facility was required to submit a Part B permit application certifying compliance with applicable groundwater monitoring and financial responsibility requirements before November 8, 1985. If the facility failed to satisfy the above conditions, interim status was lost as of November 8, 1985.

42 U.S.C. § 6925(e)(2)(A); 40 C.F.R. § 270.73; 50 Fed. Reg. 38946, 38946-49 (Sept. 25, 1985); 50 Fed. Reg. 28701, 28723-24 (July 15, 1985). Further, if the hazardous waste treatment storage and disposal facility lost its interim status, the owner or operator of the facility was required to submit a closure plan and post-closure plan to the EPA within fifteen days of the termination of interim status and to complete partial and final closure activities within 180 days after the EPA's approval of the closure plan. See 40 C.F.R. §§ 265.112(d)(3)(i), 265.118(e)(1), 265.113(b).

The government has the initial responsibility of establishing the absence of a material issue of fact for trial regarding RCRA and HWMA liability. The government has established that PPP is the owner or operator of a hazardous waste facility which stored and disposed of waste both before and continuing after November 19, 1980. Thus, under the 1980 amendments, PPP automatically was granted interim status with

the submission of its Part A application. However, PPP failed to certify compliance with the financial responsibility requirements mandated by the 1984 amendments, failed to obtain an RCRA permit, and failed to meet RCRA deadlines for having permitted land disposal units and adequate underground monitoring. Thus, as a matter of law, PPP lost interim status as of November 8, 1985. See United States v. Northeastern Pharmaceutical & Chemical Co., 810 F.2d 726, 738 (8th Cir. 1986), cert. denied, 484 U.S. 848 (1987). Nonetheless, PPP continued its waste activities. Furthermore, defendants failed to submit required closure and post-closure plans within the appropriate time periods. Accordingly, plaintiffs have established a prima facie case of liability.

Plaintiffs having established a prima facie case of liability, the Court next must consider defendants PPP's and Ladney's defenses in order to determine whether summary judgment with regard to liability is appropriate. In attempts to avoid liability and in opposition to partial summary judgment, PPP and Ladney deny violating RCRA and HWMA, arguing that compliance with the state court ordered remediation closure plan complies with the intent and requirements of RCRA and HWMA and was accepted by the EPA, that plaintiffs are estopped from seeking a closure plan inconsistent with the state plan, that defendants' inability to comply with the financial responsibility requirements of RCRA regulations excuses lack of compliance, and that plaintiffs have selectively enforced this action against them in violation of equal protection and due process.

A. COMPLIANCE WITH STATE PLAN/ESTOPPEL

As their first defense, defendants argue that timely filings with the EPA and compliance with the state court ordered lagoon closure plan satisfy the intent of RCRA. Defendants urge the Court to review the provisions of the state court closure plan in light of RCRA's objectives and the impact on such plan if PPP was forced to cease operations due to its inability to meet the financial responsibility requirements. Further, defendants argue that representations by the EPA that the state closure plan was acceptable to the EPA estops the EPA from bringing the present enforcement action.

After conducting a complete review of the file, record, and prior proceedings in this matter, the Court concludes that the consent judgment in state court does not relieve PPP of obligations under RCRA. The Court finds no authority for the proposition that compliance with a state remedial order excuses an RCRA violation. The Court recognizes the frustration underlying defendants' arguments, but finds that the state court proceedings do not change the fact that they have violated RCRA. Rather, defendants' arguments may be considered in fashioning an appropriate remedy. Furthermore, the Court does not believe that the EPA letter dated July 16, 1986 excuses liability, although again such fact may be relevant when appropriate damages and/or penalties are assessed.⁴

Accordingly, the Court concludes that defendants' first defenses do not excuse defendants from liability for RCRA and HWMA violations.

B. INABILITY TO SATISFY FINANCIAL RESPONSIBILITY REQUIREMENT

Next, relying on United States v. T & S Brass & Bronze Works, Inc., 681 F. Supp. 314 (D. S.C. 1988), defendants apparently argue that since it was impossible for them to satisfy the financial responsibility requirements, they are excused from complying with RCRA requirements. However, the Court notes that in T & S Brass, although not controlling authority over this Court's disposition of the matter, the district court held that neither T & S Brass' argument that it made a good faith attempt to obtain insurance nor that insurance was impossible to obtain were sufficient defenses. On appeal, the Fourth Circuit, affirming in part and vacating in part, also rejected the impossibility defense. United States v. T & S Brass & Bronze Works, Inc., No. 88-3531, slip op. at 4 (4th Cir. Dec. 22, 1988) (per curiam) (unpublished).

After reviewing the facts of this case and the existing caselaw, the Court concludes that neither an impossibility defense nor good faith efforts to secure financial assurances are defenses to liability after November 8, 1985, although such efforts are pertinent to the appropriate remedies or imposition of sanctions. See United States v. Clow Water Systems, A Division of McWane, Inc., 701 F. Supp. 1345, 1348 (S.D. Ohio 1988); United States v. Allegan Metal Finishing Co., 696 F. Supp. 275, 285 (W.D. Mich. 1988); T & S Brass & Bronze Works, 681 F. Supp. at 321. Thus, the Court concludes that this defense also does not preclude a finding of liability.

C. SELECTIVE ENFORCEMENT

Finally, defendants argue that this action is constitutionally invalid since the government has selectively enforced RCRA and HWMA against defendants in bad faith or arbitrarily while others similarly situated have not been prosecuted. Defendants argue that the site at issue, which is a compliant company on a non-dangerous site, does not appear on the MDNR's list of hazardous waste sites requiring remediation, while many dangerous sites on the list have not been subjected to enforcement actions.

The government generally is afforded a presumption of validity in the enforcement of federal statutes and its discretion in enforcing federal statutes is extremely broad, although not unfettered. See Wayte v. United States, 470 U.S. 598, 607-10 (1985); Oyler v. Boles, 368 U.S. 448, 456 (1962). In order to state a prima facie selective prosecution defense, defendants bear a heavy burden of establishing that (1) defendants have been singled out while other similarly situated violators were left untouched, and (2) that the government selected defendants for prosecution "invidious[ly] or in bad faith, i.e., based upon such impermissible considerations as race, religion, or the desire to prevent the exercise of [their] constitutional rights." United States v. Bustamante, 805 F.2d 201, 202 (6th Cir. 1986); United States v. Hazel, 696 F.2d 473, 474 (6th Cir. 1983).

The Court finds no proof of selective prosecution other than defendants' mere allegations and arguments in their brief which are not sufficient to raise an issue of material

fact. Defendants have provided no proof that similarly situated violators have not been cited for RCRA violations. Furthermore, even if defendants had satisfied the first element of a selective enforcement defense, there also is no evidence of governmental vindictiveness, that the selection was based on race, religion or some other arbitrary classification which would support finding a denial of equal protection, or that the government engaged in intentional, purposeful discrimination which would meet defendants' heavy burden of establishing a prima facie case of selective enforcement. As a result, the Court finds that defendants' selective enforcement defense does not preclude summary judgment as a matter of law.

Accordingly, since defendants have failed to present a valid defense to liability, summary judgment solely on the issue of liability is appropriate in favor of plaintiffs and against defendant PPP.

D. INDIVIDUAL LIABILITY UNDER RCRA

Since the Court has determined that defendant PPP is liable for violations of RCRA and HWMA, the Court must determine whether a question of fact exists regarding whether defendant Ladney is jointly liable for such violations. An action alleging violations of RCRA may be brought against "any person (including any past or present generator, past or present transporter, or past or present owner or operator of a treatment, storage, or disposal facility)." 42 U.S.C. § 6973(a). Thus, corporate officers and employees who actually make corporation decisions are personally liable under RCRA. United States v. Northeastern Pharmaceutical

& Chemical Co., 810 F.2d 726, 745 (8th Cir. 1986).

In their complaint, plaintiffs allege that Ladney is the owner or operator of PPP. Defendants dispute plaintiffs' allegations and argue that plaintiffs must be able to prove that Ladney plays an active role in controlling the waste management policies and practices of PPP in order to hold Ladney personally liable for the alleged violations.

However, although defendants do agree that Michigan City Plastics, Inc. ("MCP") owns PPP and that Ladney owns 68% of MCP's stock, defendants contend that there is no evidence that Ladney actively controls MCP or plays an active role in controlling the waste management policies and practices of PPP.

Plaintiffs respond that Ladney's name appears as the "Installation's Legal Owner" on the initial "Notification of Hazardous Waste Activities" and on the Part A application. However, the Court notes that the revised Part A application substituted "Production Plated Plastics, Inc." as the legal owner of the facility. Plaintiffs also contend that in his deposition, William Evans, PPP's plant manager, stated that he frequently discussed the manufacturing of products with Ladney.

In its review of the parties' briefs and attachments, the Court notes that defendants have submitted various documents and depositions which in fact provide evidentiary support that Ladney is personally involved in or directly responsible for acts in violation of RCRA and HWMA. Defendants have submitted the deposition of Steven D. Noble, an environmental specialist for PPP. Noble states that

Ladney is a corporate officer of PPP who is in daily contact with William Evans. Defendants also have submitted the affidavit of Ladney, as president of PPP, which states that he is competent to testify as to the facts of this case and in which he asserts decision-making authority. Finally, defendants have submitted a letter from Ladney, written in his capacity as president of PPP, outlining PPP's long-term plan of operations.

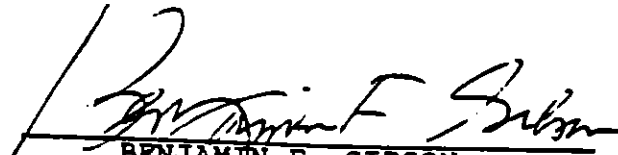
The Court, viewing the evidence submitted in the light most favorable to the nonmoving party and drawing all reasonable inferences, finds that the evidence shows that Ladney was actively involved in the day-to-day operations of PPP. Defendants assert in their briefs that plaintiffs have not established that Ladney was actively involved in the operations of PPP. However, defendants provide no evidence that Ladney is not PPP's owner or operator. Defendants offer no explanation of the statements made in Ladney's affidavit which indicate that he is the ultimate decision-making authority, or how, as president of PPP, he is to be excluded from the natural and reasonable inference that he had an important say in or actually made the corporate decisions. Accordingly, the Court holds Ladney jointly liable with PPP for RCRA and HWMA violations.

CONCLUSION

The Court concludes that no genuine issue of material fact exists with regard to defendants PPP's and Ladney's liability, thus plaintiffs are entitled to judgment as a matter of law. In reaching its decision, the Court has not

considered the appropriateness of civil penalties and/or injunctive relief. Although PPP and Ladney have been found liable as a matter of law, the issue of appropriate remedies and/or penalties will be considered in light of the state court orders and in conjunction with defendants' various defenses.

The Court recognizes that this is a unique case. Although RCRA and HWMA requirements have not been met and defendants are liable for RCRA and HWMA violations, the Court encourages continual attempts by the parties to resolve this matter and notes that it will consider factors such as the state court proceedings and steps taken pursuant to such proceedings when fashioning the appropriate relief warranted.


BENJAMIN F. GIBSON
U.S. DISTRICT JUDGE

DATED: May 14, 1990

FOOTNOTES

1 Unless otherwise indicated, references to "Ladney" refer to defendant Michael J. Ladney, Jr., and not to defendant Marguerite Ladney.

2 HWMA authorizes the continued operation of a facility that was in existence on the effective date of the 1982 Act, March 30, 1983, if certain conditions were met. One of the conditions is compliance with the federal solid waste disposal act regulations, 42 U.S.C. §§ 6901 et seq. M.C.L.A. § 299.522(c). An owner or operator of a hazardous waste facility in Michigan is required to comply with RCRA and HWMA, administered by both the EPA and the State of Michigan. See 42 U.S.C. §§ 6926; 6928(a)(2).

3 The initial statute was amended by the Quiet Communities Act of 1978, Pub. L. No. 95-609, § 7, 1978 U.S. Code Cong. & Admin. News (92 Stat.) 3079, 3081-84; Solid Waste Disposal Act Amendments of 1980, Pub. L. No. 96-482, 1980 U.S. Code Cong. & Admin. News (94 Stat.) 2334; Hazardous and Solid Waste Amendments of 1984, Pub. L. No. 98-616, 1984 U.S. Code Cong. & Admin. News (98 Stat.) 3221.

4 The Court notes that as a general rule equitable defenses such as estoppel are not available against the sovereign when it is asserting public rights. See, e.g., Costello v. United States, 365 U.S. 265, 281 (1961); Pan American Petroleum & Transport Co. v. United States, 273 U.S. 456, 506 (1927); Chesapeake & Delaware Canal Co. v. United States, 250 U.S. 123, 125 (1919). "Where the defenses of unclean hands or laches have been used against the government when it is asserting public rights, courts have repeatedly held that equitable principles will not be applied to thwart public policy or the purpose of federal laws." Kelley v. Thomas Solvent Co., 714 F. Supp. 1439, 1451 (W.D. Mich. 1989).

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V**

DATE: JUN 08 1990

SUBJECT: American Chemical Service
RCRA Enforcement Action

FROM: David Ullrich, Acting Director
Waste Management Division

ORIGINAL SIGNED BY
DAVID S. ULLRICH

TO: Phyllis A. Reed, Chief
Pesticides & Toxic Substances Branch

Thank you for the memo and news article concerning our May 2, 1990, Consent Agreement and Final Order with American Chemical Service. In regard to the information/evidence that Mr. Dick Cleaton can supply, we have forwarded a copy of your memo to the Superfund Remedial Project Manager, Mr. Robert Swale, who is assigned to coordinate the current clean-up action at the American Chemical Service site. We will also contact the Indiana Department of Environmental Management Hazardous Waste Management Branch regarding the availability of Mr. Cleaton's information for their use in evaluating any future closure plans.

If you have any questions please contact Dan Bakk of my staff at FTS 886-3781.

5HR-12:DBakk:be:6/5/90:Filename:AmerChem.

AP 6/7/90

TYP.	AUTH.	IL/IN TECH. ENF. SEC.	MI/WI TECH. ENF. SEC.	OH/MN TECH. ENF. SEC.	IL/MI/WI ENF. PROG. SECTION	IN/MN/OH ENF. PROG. SECTION	RCRA ENF. BR CHIEF	O.R. A.D.D.	WMD DIR
CJH 6/6/90	DB 6/6/90	JMB 6/6/90					← WEM 6/7/90		→ JMB 6/7/90

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

DATE: MAY 25 1990

SUBJECT: Follow Up to American Chemical Services Enforcement Action

for FROM: Phyllis A. Reed, Chief *Anthony Restaine*
Pesticides & Toxic Substances Branch

TO: David Ullrich, Acting Director
Waste Management Division

RECEIVED
MAY 25 1990
U.S. EPA, REGION V
WASTE MANAGEMENT DIVISION
OFFICE OF THE DIRECTOR

Attached is a news article from the May 14, 1990 Gary Post-Tribune discussing a recent enforcement action and subsequent consent agreement we entered into with American Chemical Services. As a result of this article, a friend of mine, who is a retired employee, of IDEM contacted me to say that he still has pictures which he took while he was a State employee as well as his inspector log books showing employees of ACS burying barrels of hazardous waste. He also states that he advised the State Enforcement Program that he had this information, but they declined to act at the time. I do not know the timeframes involved here. He is willing to provide the information/evidence he has to U.S. EPA if we are interested. If you wish to have someone contact him, his name is Dick Cleaton, his phone number is 219/874-9525. He lives in Beverly Shores, Indiana and was an engineer/inspector for ISBH/IDEM's water program in N.W. Indiana for many years.

Please call me if you have any questions.

Attachment

Coffield Ungaretti Harris & Slavin

CHICAGO OFFICE:
3500 Three First National Plaza, Chicago, Illinois 60602
Telephone: 312/977-4400 · Fax: 312/977-4405

WASHINGTON OFFICE:
1747 Pennsylvania Avenue, N.W., Suite 900, Washington, D.C. 20006
Telephone: 202/672-4310 · Fax: 202/833-1274

May 15, 1990

VIA MESSENGER

Valdas Adamkus, Esq.
Regional Administrator
United States Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago, Illinois 60604

Re: American Chemical Services, Inc. CERCLA Site --
Griffith, Indiana
RCRA Enforcement Administrative Action
Our File #10615-00001

Dear Mr. Adamkus:

I am writing on behalf of the approximately one hundred and fifty companies which make up the ACS Steering Committee. As you may be aware, that Steering Committee has voluntarily undertaken to fund a Remedial Investigation/Feasibility Study (RI/FS) at the above referenced site pursuant to an Administrative Order on Consent with the Agency (#VW-88-C-113). In entering into and implementing that Order, the ACS Steering Committee has endeavored to remain as cooperative with the Agency as possible in an effort to achieve our mutual goal of a valid site investigation and appropriate remedial selection. I am writing at this time because the Steering Committee has recently learned some very disturbing news which we feel adversely impacts that cooperative spirit and clearly warrants your attention.

The element which makes the ACS Site matter unique in terms of the Agency's approach has been the Region's refusal to actively pursue any involved landowner through its CERCLA/SARA authorities. American Chemical Services, Inc. itself has refused to participate in the RI/FS process and thus far has been allowed to maintain that refusal without consequence beyond a civil action filed by the ACS Steering Committee. The Agency has taken no meaningful action whatsoever to secure landowner/operator participation. My previous correspondence (copies attached) has addressed this issue and the Agency has provided no adequate rationale for its treatment of this facility owner/operator.

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WASTE MANAGEMENT DIVISION
EPA REGION V

Valdas Adamkus, Esq.

May 15, 1990

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Recently, however, the ACS Steering Committee has learned of an Agency administrative action against American Chemical Services, Inc. under Subtitle C of the Resource Conservation and Recovery Act (RCRA) (Docket No. V-W-89-R-37). The Agency now charges that American Chemical Services, Inc. has not maintained financial assurance in accordance with regulatory requirements and seeks imposition of a penalty. The Steering Committee learned that this action was underway purely by accident despite repeated discussions with Regional personnel about the RCRA status of the facility and the Committee's identification to EPA of the existence of clear regulatory violations. Apparently, the Agency is about to settle this matter and would have done so without informing the Steering Committee of its existence.

We find the Agency's actions with respect to this administrative enforcement matter to be disturbing and wholly unjustified. While we all understand the concept of enforcement discretion, we do not understand the Agency's repeated implicit misrepresentations to members of the Steering Committee with respect to the facility's RCRA situation. Agency personnel were well aware of the Committee's ongoing interest in the enforcement status of the facility and yet, without mentioning the ongoing RCRA proceedings, sat through meeting after meeting in which that was a topic of discussion.

Perhaps even more disturbing is the fact that the Agency is apparently seeking to impose a penalty on American Chemical Services, Inc. The ACS Steering Committee finds this odd given two circumstances: 1) American Chemical Services, Inc. has asserted that it is unable to fund a meaningful portion of an RI/FS due to its financial condition, an assertion which the Agency has chosen to accept in the absence of documentation; and 2) the Steering Committee has thus far committed to expending approximately one million dollars in studying American Chemical Services, Inc.'s property. The Steering Committee believes that any funds elicited from American Chemical Services, Inc. should be allocated to the payment of response costs, rather than added to the general treasury. Clearly such an allocation would serve the Agency's dual purposes of deterring RCRA violations and securing responsible party funding of response costs.

Valdas Adamkus, Esq.

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It is also of concern to the ACS Steering Committee that the Agency has initiated an administrative enforcement action which fails to address serious ongoing RCRA violations. For example, the Agency has not issued any complaint with respect to the hazardous waste tanks that are operated without secondary containment, nor has the Agency taken any action with respect to manifest and possible land disposal restriction violations. The Indiana Department of Environmental Management has not taken any action with regard to these problems either. It is the ACS Steering Committee's belief that as per U.S. EPA's stated policy, all of these RCRA issues must be handled in a coordinated manner and integrated with the ongoing CERCLA/SARA activities. In the absence of that approach the Agency will remain ineffective in correcting the potential environmental problems at the Site.

The ACS Steering Committee feels that the Agency's action in failing to reveal the RCRA administrative enforcement action has seriously eroded the Committee's belief that the Agency is operating in good faith in the ACS Site RI/FS matter. The Agency has sought cooperation from the various private entities in funding of response costs and the ACS Steering Committee has been responsive to the Agency's efforts in that regard.

However, a cooperative relationship must by necessity be a two-way street. Thus far, the ACS RI/FS process has remained disappointingly one-sided. The ACS Steering Committee finds the situation not only extremely frustrating, but believes it to be potentially detrimental to obtaining voluntary commitment for future response

Coffield Ungaretti Harris & Slavin

Valdas Adamkus, Esq.

May 15, 1990

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actions at this and other sites. We request your immediate attention to this matter and would be interested in meeting with you to discuss the issues raised in this letter.

Very truly yours,

ACS STEERING COMMITTEE



By: Andrew H. Perellis, Chairman

AHP:cc

ahp0425

cc: William Muno
David Ullrich
P. Lynn Peterson
Joseph Boyle
Steven Siegel
ACS Steering Committee Members

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April 9, 1987

VIA MESSENGER

Connie L. Puchalski, Esq.
Assistant Regional Counsel
United States Environmental Protection Agency
Region V
230 South Dearborn Street
16th Floor
Chicago, Illinois 60604

Re: American Chemical Services Site
Our File #2361.6152

Dear Ms. Puchalski:

On March 24, 1987, several representatives of companies interested in exploring the possibility of undertaking investigative studies respecting the American Chemical Services ("ACS") Site, including the undersigned, met with you and Karen Waldvogel of the Agency.

We advised you at that meeting that a group of companies which had sent materials to ACS, and previously had received requests for information pursuant to CERCLA, were interested in cooperating with the Agency by funding voluntary RI/FS action, subject to sufficient participation by other potentially responsible parties. At the same time, we expressed concern that the success of any voluntary effort by the generators of material sent to ACS could depend on EPA's intentions with respect to the site owner, ACS. Pursuant to our March 24, 1987 meeting, we understand that you are checking with your management to determine how the RCRA program best can compliment the ongoing CERCLA efforts of Ms. Waldvogel's program division.

Frankly, the Agency's apparent indifference as to whether a voluntary RI/FS action is undertaken with or without the meaningful participation of the site owner is disturbing. Because ACS is the entity which caused the potential environmental problem

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and is an ongoing RCRA interim status facility which has pending a Part B permit application, we believe that corrective action obligations fall primarily, if not entirely on the shoulders of ACS. We ask that the Agency use its potent authority under RCRA to require ACS to undertake or finance, in whole or in part, the very studies which the generator PRPs are being asked to perform. Common sense and the Agency's own policy guidance require the coordination and logical use of RCRA and CERCLA authority under the present circumstances.

Both Congressional dictates and Agency policy state a preference for using RCRA authority in the first instance rather than CERCLA. The Hazardous and Solid Waste Amendments of 1984 (HSWA) greatly expanded authority under RCRA for requiring corrective action for releases of hazardous wastes at facilities that manage hazardous wastes, such as ACS. Section 233 of HSWA added subsection 3008(h) to allow issuance of corrective action orders against owners or operators of interim status facilities such as ACS. Congress conferred this authority on the Agency because "EPA should have the power to deal directly with an ongoing environmental problem without awaiting issuance of a final [RCRA] permit." Joint Explanatory Statement of the Committee of Conference, 130 Cong. Rec. at H11135 ("Conference Report"). ACS has submitted its RCRA Part B permit application. As such, it is the type of facility which Congress specifically intended to reach under Section 3008(h):

The use of orders and civil suits overcomes the slowness of the permit process without sacrificing the need for interaction between the Agency and the owner or operator in developing appropriate corrective action measures. For example, the first stage of Agency action under this provision might very well be an order requiring the owner or operator to characterize the extent of contamination of the ground water by hazardous constituents and to submit a corrective action plan. The Agency and the owner or operator could then confer on the plan and make modifications that would be incorporated specifically in an amendment to the order.

Conference Report, 130 Cong. Rec. at H11135.

Congress clearly envisioned that corrective actions can be accomplished most effectively by working with the site owner of an active facility. The owner is uniquely qualified since he has an obvious and immediate interest in the studies as they affect not only past but also current and prospective operations. The same cannot be said for a generator exposed to liability under CERCLA.

The site owner who wishes to continue to benefit from engaging in waste management operations justifiably should bear the obligation of undertaking the corrective activities required at his site. Congress did not intend to allow an owner of a hazardous waste management facility seeking a permit to avoid its regulatory obligations by having others remediate problems which it created. In enacting Section 206 of HSWA

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Section 3004(u) to RCRA) to require corrective action from solid waste managements units at a RCRA facility, such as ACS' landfill, Congress stated:

The purpose of this provision is to ensure that all facilities which seek a permit under Section 3005(c) take all appropriate action to control and cleanup all releases of hazardous constituents from all solid waste management units at the time of permitting the facility. . . . The Conferees believe that all facilities receiving permits should be required to clean up all releases from all units at the facility, whether or not such units are currently active.

Conference Report, 130 Cong. Rec. at H11129.

Congress properly concluded that it would be illogical to allow a hazardous waste management operator to continue to operate, or to be considered for a RCRA permit, where the operator has not shown itself willing to clean up prior releases at that facility. Only responsible operators should be able to benefit from operating under RCRA authority. To that end, Section 3004(u) "allows permits to be issued where owners or operators commit in a compliance schedule to obtain the information necessary to determine the extent and cost of corrective action." Conference Report, 130 Cong. Rec. at H11129.

The lack of Agency action with respect to ACS turns RCRA's authority on its head. A problem site is alleged to exist, yet the operator of that site may proceed with RCRA permitting while other parties who are neither operationally nor financially related to the site, are being pressed to carry out ACS's regulatory obligations.

The Agency's course of conduct respecting ACS also appears to directly conflict with established Agency policy. For example, the Agency's "National RCRA Corrective Action Strategy" (Office of Solid Waste & Emergency Response, undated) (referred to herein as "Strategy Memo"), states the need to use RCRA authority to foster consistency between RCRA and CERCLA goals and objections (pp. 7-8). In the situation presented by ACS, the Strategy Memo requires that corrective action be compelled when feasible and appropriate through a schedule of compliance in an operating permit. Even so, RCRA § 3008(h) enforcement orders can be used "in advance of permit issuance . . . to get corrective action investigation activities underway at a facility that is not near enough to permit issuance. . . ." (p. 19.) Such, of course, is the case with ACS.

Similarly, in its "Final RCRA Listing Policy," the Agency states its preference for using RCRA permit or enforcement authorities to secure correction actions at RCRA sites in lieu of CERCLA authority:

The Agency agrees that it is generally more desirable to deal with RCRA facilities under RCRA authorities than under CERCLA authorities. This is the intention of the policy announced today.

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[E]mploying RCRA corrective action authorities is expected to achieve protection of public health and the environment as effectively as remedies achieved under CERCLA.

51 Fed. Reg. 21054, 21060 (June 10, 1986).

That ACS was listed on the NPL before the promulgation of this policy is of no consequence: "The Agency plans to review the status of and apply this policy to RCRA sites that are already listed on the final NPL." 51 Fed. Reg. at 21059. The only exception of possible relevance here is component three, "case-by-case determinations of unwillingness or inability on the part of the site owner to undertake corrective action." 51 Fed. Reg. at 21059.

We have no information to indicate that EPA has determined that ACS is unwilling or unable to undertake corrective action. We understand ACS has protested to the Agency that it cannot afford to independently finance the entire RI/FS but has repeatedly stated its willingness to fund or undertake a portion of the required studies. While we are encouraged that ACS is willing to "assist" others in meeting ACS' obligations, we must observe that ACS' claims of financial hardship appear inconsistent with ACS' interim status financial assurance requirements for closure as well as its pursuit of a RCRA permit, which will require corrective action under RCRA § 3004(u) and financial assurance for corrective action. The ACS plea of financial distress also appears inconsistent with Dunn & Bradstreet reports for preceding years, which should be readily available to the Agency.

We ask the Agency to make the required RCRA determination of whether ACS is "unwilling" to undertake corrective action, as set forth in the Final Policy. 51 Fed. Reg. at 21057-58. Based on other Agency guidance documents, we know that this unwillingness determination requires far more from the Agency than merely accepting the RCRA operator's allegations of poverty at face value. The Agency's Strategy Memo, in fact, recommends use of RCRA § 3008(h) orders against a facility of an uncertain financial state to establish its financial capabilities:

[The order] provides an opportunity to document whether the facility owner is able to fulfill obligations under the order or whether it is likely to become a site that must be dealt with under CERCLA authority. In this respect, it acts as a bridge to CERCLA.

(Emphasis added) (p. 22.)

The Strategy Memo also states:

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Where it is apparent that the owner/operator is not financially viable and may be a candidate for CERCLA action, corrective action requirements should be tailored to achieve as much as possible before the owner/operator is no longer able to pay for the cleanup or other associated costs. If an owner/operator has the financial resources to take appropriate actions and refuses to do so, judicial action should be pursued.

(Emphasis added) (p. 23.)

We believe the points and citations set forth above are compelling authority, requiring the Agency to promptly initiate corrective action proceedings against the site owner, ACS. We do not suggest that the Agency abandon its CERCLA activities. We believe that the RCRA and CERCLA efforts can proceed on parallel courses intended to achieve identical objectives.


If ACS can demonstrate in a corrective action proceeding that it is unable to finance a specific portion of the required studies, CERCLA can provide a supplemental funding mechanism, allowing the generator PRPs to finance or undertake that portion of the studies which ACS has demonstrated to be beyond its financial capabilities.

We recognize that the Agency's simultaneous use of RCRA and CERCLA will require interaction between two distinct Agency programs. Yet, we believe such Agency activity is not only required by statute, Congressional dictate and Agency policy, but also will produce a just and equitable result and foster a spirit of cooperation between the Agency and the PRPs for the ACS site.

We look forward to your response advising us of your intentions respecting ACS. Please call me if you have any questions.

Very truly yours,

GESSLER, WEXLER, FLYNN, LASWELL
& FLEISCHMANN, LTD.



Andrew H. Perellis, on behalf of the ACS
Steering Committee

AHP:cc

cc: Karen Waldvogel, Environmental Engineer



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

Mr. Andrew A. Perellis
Gessler, Wexler, Flynn, Laswell
& Fleischmann, Ltd.
Three First National Plaza
Suite 2300
Chicago, Illinois 60602

Re: American Chemical Services site

Dear Mr. Perellis:

This letter is in response to your April 9, 1987 letter in which you request that the United States Environmental Protection Agency (U.S. EPA) initiate RCRA corrective action proceedings against American Chemical Services prior to undertaking any CERCLA action at the American Chemical Services site.

At the outset, I would like to express my disagreement with your conclusion that U.S. EPA is indifferent as to whether a voluntary RI/FS action is undertaken with participation by American Chemical Services (ACS). Each time that U.S. EPA has issued notice letters to potentially responsible parties for this site, ACS was included among those entities receiving the notice letters from U.S. EPA.

In addition, I am somewhat perplexed by your statement that you would like to see meaningful participation by ACS with respect to RI/FS activities at this site. For although you make this statement in your letter, ACS claims that they would like to actively participate with the Steering Committee in negotiating for a voluntary RI/FS at this site, but the Steering Committee refuses to invite ACS to Steering Committee meetings and has in fact told ACS that they will be dealt with separately by the ACS Steering Committee. If you would like to see meaningful participation by ACS, my suggestion would be to include ACS in your Steering Committee Activities.

With respect to your request that U.S. EPA initiate RCRA corrective action proceedings against ACS prior to initiating CERCLA activities at the site, I would like to first point out to you the unique history surrounding the American Chemical Services site. The ACS site was proposed for placement on the National Priorities List (NPL) in September of 1983. The ACS site was actually placed on the NPL in September of 1984. At

the time that the ACS site was proposed and placed on the NPL, U.S. EPA's RCRA corrective action authority did not extend to the ACS site. Only after enactment of the Hazardous and Solid Waste Amendments in November of 1984 (HSWA) did RCRA corrective action authority extend to the ACS site. Thus, at the time the ACS site was placed on the NPL, CERCLA was the only authority available to U.S. EPA to address the hazardous waste disposal at the ACS site.

I believe your reliance on the National RCRA Corrective Action Strategy to support your position that a corrective action order should be issued against ACS is misplaced. Although the National RCRA Corrective Action Strategy does state that a RCRA corrective action order should "act as a bridge to CERCLA" I do not believe that this strategy addresses the issue of what to do with a RCRA facility that has already been placed on the NPL.

In both the Proposed and Final RCRA Listing Policy, U.S. EPA announced that some RCRA sites proposed and placed on the NPL might go forward under CERCLA notwithstanding the expanded RCRA corrective action authority provided in the HSWA Amendments. In the Proposed RCRA Listing policy, 50 Federal Register 14115 at 14118 (April 10, 1985), it states that sites may not be deleted from the NPL if CERCLA Fund-financed activities, such as remedial investigation/feasibility studies, remedial design, or remedial action or CERCLA enforcement action has been initiated.

Similarly, the Final RCRA Listing Policy also states that not all RCRA sites proposed and placed on the NPL will be dealt with under RCRA. This policy recognized that for some sites, it might be disruptive to abandon CERCLA activities and begin RCRA corrective action activities at a site. This Final RCRA listing policy states that RCRA facilities will be dealt with under CERCLA in three situations: (1) where the owner of the RCRA facility is bankrupt; (2) where the facility lost authorization to operate and has indicated an unwillingness to carry out corrective action; and (3) case by case determinations of unwillingness.

With respect to category 3, case by case determinations of unwillingness, the RCRA Final Listing policy discussed two RCRA sites included in proposed NPL update #2 which were being added to the NPL notwithstanding U.S. EPA's expanded corrective action authority under HSWA. The rationale for placing these sites on the NPL was that the owners of these two sites were unwilling to voluntarily undertake an RI/FS at these sites and fund - financed remedial planning was in progress.

The ACS site falls within the third category of the final RCRA Listing Policy and is similar to the two examples cited therein. ACS has indicated to U.S. EPA that it is not currently willing to solely fund an RI/FS at its site. (ACS does however, state that it will participate with other PRP's in a privately funded RI/FS at its site).

In addition, U.S. EPA has undertaken substantial Fund - financed investigative activities at the ACS site. U.S. EPA has performed sampling activities at the ACS site, performed a site assessment for the ACS site, and has prepared a Work Plan for an RI/FS at the ACS site. The Work Plan itself included preparation of a Health and Safety Plan, a Quality Assurance Project Plan, and a Sampling and Analysis Plan.

Given the fact that ACS has stated that it is unwilling to solely fund an RI/FS at this site, coupled with the fact that U.S. EPA has already devoted substantial resources to CERCLA activities at this site, I believe it would be both disruptive and dilatory to initiate corrective action proceedings against ACS at this time.

Sincerely,



Connie L. Puchalski
Assistant Regional Counsel

GESSLER, WEXLER, FLYNN, LASWELL & FLEISCHMANN, LTD.

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July 31, 1987

Of Counsel:
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VIA MESSENGER

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Regional Administrator
United States Environmental Protection Agency
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230 South Dearborn Street
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Mr. Basil G. Constantelos
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Robert B. Schaefer, Esq.
Regional Counsel
United States Environmental Protection Agency
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230 South Dearborn Street
Chicago, Illinois 60604

Re: American Chemical Services CERCLA Site — Griffith, Indiana
Our File #2361.6152

Gentlemen:

This letter is written on behalf of the American Chemical Services Steering Committee, composed of 26 companies recently identified by U.S. EPA as potentially

Messrs. Adams, Lucero, Fagan, Adamkus,
Constantelos and Schaefer

July 31, 1987

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responsible parties ("PRPs") for the above-referenced site.* This Committee, which has the active support of over 100 additional PRPs, has been committed to exploring the option of undertaking the RI/FS response activity requested by the government. To this end, we have engaged in technical and legal discussions with Region V personnel and have secured the services of an expert environmental engineering consulting firm to evaluate site conditions and EPA proposals on behalf of the group. However, the Committee has been seriously handicapped in its efforts to date due to the failure of the Region V staff to address fundamental legal and technical issues of concern in this matter, as well as in the CERCLA/RCRA program nationwide.

The issues of principal concern to the Steering Committee and the numerous represented entities revolve around the refusal of the Agency to apply its RCRA authority to the interim status ACS facility and the arbitrary, selective identification of PRPs. Both of these general issues are explained in greater detail herein. Each of these concerns has been discussed repeatedly with Region V staff assigned to the case but no reasonable explanation of the U.S. EPA position has been provided.

The positions which U.S. EPA advances in this matter will have extensive ramifications for the PRPs willingness to participate in the ACS RI/FS as well as in the overall RCRA and CERCLA programs. It is imperative that senior U.S. EPA management be fully advised of the issues presented in this matter and participate in their resolution. Accordingly, we hereby request a meeting among representatives of the Steering Committee and Agency representatives receiving this letter and suggest Monday, August 17, 1987 in the Agency's Chicago offices as a possible meeting date, or sooner if you so desire.

THE ACS SITE

For purposes of the Agency request for a PRP-funded RI/FS, the American Chemical Services site has been defined to incorporate several independent waste facilities. American Chemical Services, Inc., located at 420 South Colfax Road, Griffith, Indiana, is a RCRA interim status facility with a RCRA Part B permit application on file. The facility has been engaged in solvent recovery operations since 1955 and apparently plans to continue in that business in the future. The current ACS operation covers approximately 19 acres and includes several operating tank farms, buildings and

* The member companies include: Ashland Oil Co., Borg-Warner Corporation, Commercial Credit Corp., Continental Can, Demert & Dougherty, DeSoto, Inc., E. I. DuPont, Eli Lilly & Co., G. D. Searle & Co., General Motors, Glidden Company, Great Lakes Terminal and Transport Corporation, Joanna Western Mills, Martin Marietta Corp., Midland/Dexter, Motorola, Packaging Corporation of America/Ekco-Alcoa Containers, S. C. Johnson & Son, Inc., Sherwin-Williams Company, and Standard T Chemicals.

Messrs. Adams, Lucero, Fagan, Adamkus,
Constantelos and Schaefer

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an unlined wastewater surface impoundment. The only containment around the tank farms is comprised of gravel berms. Loading and unloading operations involving hazardous waste are routine.

The ACS CERCLA site also includes a 31 acre municipal landfill owned and operated by the Town of Griffith and a 2 acre former drum reconditioning operation to the southwest and south of the ACS facility. To the Steering Committee's knowledge, none of the named generator PRPs sent any materials directly to either of these operations.

I. Application of RCRA Authority

The ACS matter presents a situation in which the site owner/operator principally responsible for both potential on-site and off-site contamination not only exists but continues to operate and presumably to profit from a related RCRA interim status business on the same site. In short, the matter is ideally tailored for the application of RCRA corrective action authority. Yet in communications with the Steering Committee, the Region V staff has steadfastly refused to seriously consider the use of that authority, either singly or in conjunction with CERCLA, as a means of moving the ACS matter toward resolution.

The Steering Committee has been told that because the ACS site already had been placed on the CERCLA National Priorities List approximately two months before the enactment of the Hazardous and Solid Waste Amendments of 1984, which provided U.S. EPA with greatly expanded corrective action authority, RCRA does not provide an appropriate mechanism for addressing the site. Region V staff also has asserted that the use of RCRA authority is inappropriate because ACS informed U.S. EPA that it is unwilling or economically unable to undertake all of the required corrective action. Such responses, especially given that the Agency appears to have conducted no research into the financial viability of ACS, contradict stated Agency policy and have produced a high level of dissatisfaction among even those PRPs most interested in contributing to the funding of response actions at the site.

A. Policy and Precedent Require Use of RCRA Corrective Action

As an interim status facility, American Chemical Services is subject to RCRA corrective action authority. In enacting the Hazardous and Solid Waste Amendments, Congress clearly expressed a preference for using RCRA corrective action rather than CERCLA at active facilities. See, e.g., Joint Explanatory Statement of the Committee of Conference, 130 Cong. Rec. at H11135.

This is the case not only because the site owner is reaping the financial benefits of engaging in a regulated activity, but also because response actions impact as well as benefit current and prospective operations. Any response action undertaken by either a

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PRP group or U.S. EPA will be seriously hampered at an active facility where the site owner does not provide its fullest assistance and cooperation. As Congress and the Agency have recognized, RCRA, not CERCLA, can most effectively compel this cooperation.

U.S. EPA policy also states a clear preference for using RCRA corrective action authority rather than CERCLA. See, e.g., EPA's Final RCRA Listing Policy, 51 Fed. Reg. 21054, 21060 (June 10, 1986); National RCRA Corrective Action Strategy, Office of Solid Waste & Emergency Response, undated. This clear preference is no way rendered inapplicable by the fact that a site was listed on the NPL prior to the enactment of HSWA. To the contrary, the Agency is to apply the RCRA listing policy to RCRA sites currently proposed or promulgated on the NPL and, in appropriate cases, even delete RCRA sites from the NPL. 51 Fed.Reg. at 21057, 21059. This policy is particularly applicable in the present case where notwithstanding an early listing on the NPL, major CERCLA actions, such as the RI/FS, have not been initiated and notice letters to PRPs were sent only in March of this year.

The sole exception of possible relevance to the present matter included in U.S. EPA's strongly stated preference for the use of RCRA corrective action authority is a determination of unwillingness or inability on the part of the site owner in an individual case to undertake corrective action. 51 Fed. Reg. at 21059. To our knowledge, U.S. EPA's RCRA program division has not made such a determination regarding ACS. Nor are we aware of any consultation between the RCRA and CERCLA program offices with respect to this issue. Although ACS apparently has advised U.S. EPA's Superfund division of its purported financial inability to undertake the entirety of corrective action, we know of no U.S. EPA confirmation that such, in fact, is the case. Indeed, we understand that the Agency has not even asked to review the financial records of ACS or its officers and directors. Such inaction cannot be reconciled with the National RCRA Corrective Action Strategy (at p. 22):

[The Section 3008(h) Order] provides an opportunity to document whether the facility owner is able to fulfill obligations under the order or whether it is likely to become a site that must be dealt with under CERCLA authority. To this respect, it acts as a bridge to CERCLA.

Contrary to this policy, the Agency has not issued a RCRA Section 3008(h) order or sought by other appropriate means to ascertain the financial capabilities of ACS or its officers and directors. In fact, the Agency, thus far, has rejected the Steering Committee's suggestion that, using its information request authority, the Agency conduct a financial audit of ACS so that the site owner's financial claims can be thoroughly evaluated. This refusal of the Agency to use its own readily available authority and reluctance to assist the Steering Committee in its legitimate effort to involve ACS has further fueled the named PRP's frustration with the Agency in this matter.

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Moreover, even were there documented financial limitations upon the site owner, it is the Agency's policy to use RCRA authority prior to or in conjunction with CERCLA to compel the owner to pay for that portion of the corrective action for which it is capable. Id. at 23. Implementation of this policy ensures that owner/operators are held responsible and accountable for problems created by their own hazardous waste activities.

Contrary to stated policy, no RCRA efforts have been directed against ACS, its owners, or operators. The mere undocumented protestations of financial hardship by a RCRA site owner/operator in no way constitute an adequate determination that the owner/operator is unwilling or unable to finance or undertake corrective action. Such protestations by a site owner/operator call for reasoned, thorough and impartial analysis by the Agency. Any other course of action establishes undesirable precedent for both the RCRA and CERCLA programs.

Of perhaps equal importance, EPA's failure to use RCRA authority sends the unfortunate message to RCRA owners that they will be rewarded for their recalcitrance and that RCRA obligations can be ignored with impunity provided the facility's customers — known, visible to the public and financially solvent — can be pursued under CERCLA.

B. Practical and Technical Considerations Require Use of RCRA Authority

As noted above, the "ACS facility" is actually comprised of several independent properties, two of which are active waste management facilities. Therefore, any study required for the ACS facility must address a dynamic, not static, system and must focus on the impact on site conditions of, and perhaps require the alteration of, each ongoing operation and any continuing discharges to the environment. RCRA, being a regulatory tool, is the obvious and ideal mechanism to achieve the goal of properly characterizing such a site.

While this letter is not the appropriate forum to air all of the technical problems associated with approaching the "ACS facility" under CERCLA, the need for a RCRA response is evidenced by such facts as: (1) complex groundwater flow is anticipated due, in part, to ongoing well pumping and to the discharge of process wastes; (2) analysis of the quantity and nature of the flows through these systems is essential to an understanding of the ACS site; (3) current operations at the site will need to be scheduled around the needs of the contemplated studies; (4) in order to implement an RI/FS, certain operations may need to be moved, rescheduled or temporarily discontinued; and (5) implementation of a remedy will depend on whether ACS is to continue to operate, and, if so, how and where.

It is striking that the tasks described above are identical to those normally associated with a RCRA Facility Investigation. They are precisely the types of tasks

Messrs. Adams, Lucero, Fagan, Adamkus,
Constantelos and Schaefer
July 31, 1987
Page - 6 -

which require active, full cooperation and participation by the existing site owner if operations at the site are to be ongoing during or after investigation. In the absence of site owner involvement, the performance of the study cannot be assured. The RCRA corrective action authority is clearly suited to eliminate these practical implementation problems and ensure the proper technical focus of investigative and potential remedial activities.

Given the Agency attitude to date toward ACS, one can readily understand the frustration of the entities currently identified as PRPs. These entities see a company, ACS, denying all responsibility and refusing to make a significant contribution to any response effort. Simultaneously, this same company is seeking a permit to continue in its profitable operation. The PRPs, most of whom felt they were following an environmentally responsible course by sending their materials to a recycler, and were wholly unaware that ACS was engaging in improper disposal activity, see ACS as the party most responsible for any and all pollution problems at the site. We believe U.S. EPA would concur in this conclusion were it to perform an NBAR. See, e.g., 52 Fed. Reg. 19919, 19920 (May 26, 1987). Nevertheless, the Agency, to date, seems content to provide ACS with an enormous economic benefit by securing or funding cleanup of the site without pursuing ACS using its clearly available RCRA power.

The Steering Committee itself has attempted to secure a commitment from ACS for its fair participation should the group undertake the RI/FS and has kept the Agency informed of these efforts. The extent of ACS' commitment to the response activities has been a willingness to provide access, certain limited information and a \$100,000 contribution. Here again, ACS cites its financial condition as a partial basis for its low level of participation. ACS, however, refuses to provide the Steering Committee with any documentation concerning its ability to pay for response actions, even with the Committee's promise of confidentiality. This leaves the Steering Committee in the untenable position of being asked to accept ACS' statements of poverty on faith and to proceed with an RI/FS and ultimate site cleanup, thereby underwriting ACS' future operations.

II. PRP Selection

The Steering Committee is also quite concerned with the selective approach to the identification and notification of PRPs in this matter. To the present time, the Agency has notified and sent PRP notices to some, but not all, of the site owners and to only those generators who may have sent materials to the ACS facility itself from 1955 through 1975. The Agency apparently has made no attempt to identify or to notify even the institutional or industrial customers of either the municipal landfill or the drum reconditioning operation that they are PRPs for the ACS site. The Steering Committee and those it represents have noted this inequitable situation to Region V staff and been told that the Agency did not contemplate pursuing the matter. The Steering Committee is hard pressed to understand this response on the Agency's part. Moreover, the Agency

Messrs. Adams, Lucero, Fagan, Adamkus,
Constantelos and Schaefer

July 31, 1987

Page - 7 -

has not seriously investigated post-1975 discharges from ACS that in all likelihood have occurred and are occurring, or attempted to identify these parties potentially responsible for any such discharges.

A. Improper Limitation of Generator PRP Group to ACS Customers

The U.S. EPA has thoroughly failed to address contributors to the Town of Griffith Landfill or the drum reconditioning site. As mentioned previously, to the Steering Committee's knowledge the identified ACS generators did not send any materials to those other sites. Yet the Agency is seeking to hold this group responsible for any contamination which those sites may have created. Beyond that, the Agency has indicated that those who may have contributed to the landfill and drum reconditioning sites will not be pursued because, due to inadequate responses to U.S. EPA's CERCLA Section 104 information requests, neither the landfill nor the drum reconditioner have identified their industrial customers.

The Steering Committee believes that these facts raise substantial questions concerning the Agency's authority to selectively identify generators at one site as PRPs for some adjacent, independent waste site and, correspondingly, the Agency's ability to recover any expenditures made based on that premise. Again, the Region V staff has not adequately addressed the issue of notifying other PRPs or the propriety of extending PRP status over a regional area. These questions must be answered if the presently identified PRPs are to be in a position to formulate a response to the Agency's notification.

B. Improper Limitation of the PRP Group to 1955-1975 Customers

Originally, U.S. EPA designated the time period 1955-1975, the dates of ACS' alleged "on-site" disposal activity, for purposes of identifying potentially responsible parties. However, the Agency has made no determination that operations subsequent to 1975 have not contributed or are not contributing to site contamination; indeed, the converse appears likely based on information now available. For example, it appears that ACS is using an unlined surface impoundment to receive runoff from its property. Any hazardous constituents which are spilled on the site at any point, which do not seep into the ground directly, will flow to that impoundment and in all probability enter the subsurface strata. There is no valid way to distinguish these post-1975 possible contributions from those which may have originated earlier. Yet, generators sending materials to ACS since 1975 are now being ignored in the process. This apparent discrimination against earlier generators fuels the Steering Committee's opposition to the Agency's position in this matter and reinforces the need to proceed under RCRA.

CONCLUSION

The Agency still is at an early stage of the CERCLA process regarding the ACS site such that it can evaluate its position with respect to the various issues raised herein

GESSLER, WEXLER, FLYNN, LASWELL & FLEISCHMANN, LTD.

Messrs. Adams, Lucero, Fagan, Adamkus,
Constantelos and Schaefer

July 31, 1987

Page - 8 -

and appropriately modify its approach to the site without disruption of the Agency's RCRA and CERCLA programs. The adoption of a well-coordinated RCRA/CERCLA approach is not only possible but advantageous to all concerned. A corrective action order could be issued and/or permit conditions proposed to investigate and remediate the potential areas of concern in the ACS area without imposing an undue administrative burden on the State of Indiana or the Agency. To the extent ACS can make a bona fide showing of financial inability to implement all of the required studies, the deficiency might be addressed by the PRPs under CERCLA if it appeared necessary and appropriate. Such a composite approach would secure a timely, equitable and complete resolution of the situation, while preserving the credibility of the RCRA/CERCLA programs and avoiding possibly insurmountable legal and technical issues for cost recovery.

The Steering Committee believes that each of the problems described above requires prompt attention from supervisory Agency personnel. Please notify me as soon as possible regarding your availability to meet with representatives of the Steering Committee.

Very truly yours,

GESSLER, WEXLER, FLYNN, LASWELL
& FLEISCHMANN, LTD.



Andrew H. Perellis on behalf of the ACS
Steering Committee

AHP:cc

cc: Karen Waldvogel (Via Messenger)
Connie Puchalski (Via Messenger)
ACS Steering Committee Members
Participating PRP Companies



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

RECEIVED
8/26

REPLY TO THE ATTENTION OF:

18 AUG 1987

5RA-14

Mr. Andrew A. Perellis
Gessler, Wexler, Flynn, Laswell
& Fleischmann, Ltd.
Three First National Plaza
Suite 2300
Chicago, Illinois 60602

RE: American Chemical Services Site

Dear Mr. Perellis:

This letter is in response to your correspondence dated July 31, 1987, concerning the manner in which the United States Environmental Protection Agency (U.S. EPA) is proceeding with respect to the above-captioned Superfund site. In your letter, you raise two main issues of concern. First you claim that U.S. EPA has refused to apply its RCRA corrective action authority to the American Chemical Services (ACS) facility, with no reasonable explanation. Second, you claim that U.S. EPA has arbitrarily and selectively identified potentially responsible parties (PRPs) for the ACS site.

Both of these claims are untrue. Addressing your claim of arbitrary selection of PRPs first, you state that U.S. EPA has not attempted to identify those parties potentially responsible for post-1975 discharges. This is simply not true. As you know, U.S. EPA first sent notice letters to ACS PRPs back in February and April of 1986. These 1986 notice letters were sent to pre-and-post 1975 customers of ACS.

As you are also aware, U.S. EPA received substantial criticism from the ACS PRPs, subsequent to the mailing of U.S. EPA's 1986 notice letters. Due to the fact that ACS claims to have ceased all land disposal in 1975, post-1975 ACS customers felt that they should not be named as PRPs for the ACS site.

Given ACS' claim of cessation of land disposal in 1975, U.S. EPA agreed to modify its PRP list to include only pre-1975 ACS customers. U.S. EPA announced its intention to delete post-1975 ACS customers from the ACS PRP list at a public meeting held on May 5, 1986.

Almost all of the companies named in your letter were notified of U.S. EPA's May 5, 1986, meeting. In fact, most of the companies identified in your letter were sent the 1986 notice letters, which listed post-1975 ACS customers as PRPs.

At the May 5, 1986, meeting, U.S. EPA received not one objection to its stated intent to delete post-1975 ACS customers from the ACS PRP list. If any of the notified members of your Steering Committee had an objection to U.S. EPA's planned deletion of post-1975 ACS customers from the PRP list, the time to voice such objection would have been in May of 1986.

In addition to your claim of arbitrary selection of PRPs, you also state an objection to the ACS site being defined to include the adjacent municipal landfill and the adjacent drum reconditioning facility. Your objection to the expansion of the ACS site is based upon the fact that, to the Steering Committee's knowledge, the ACS generators did not send any materials to the landfill or to the drum reconditioning site.

However, the fact that the ACS generators themselves did not send hazardous wastes to the landfill or to the drum reconditioning site does not mean that ACS generator wastes did not go to these adjacent areas. The reason that the ACS site was expanded to include the landfill and the drum reconditioning areas was because ACS claims to have sent hazardous wastes to both of these adjacent areas. Based upon ACS' statements, these areas must also be investigated for possible remedial action.

In your letter, you also state that U.S. EPA has refused to apply its RCRA corrective action authority, with no reasonable explanation. In response to this statement, I would like to point out to you that on April 29, 1987, U.S. EPA sent a letter to you explaining why RCRA corrective action proceedings would be inappropriate at this time. As was explained to you in this April 29, 1987, letter, at the time that the ACS site was proposed and placed on the NPL, U.S. EPA's RCRA corrective action authority did not extend to the ACS site. Only after enactment of the Hazardous and Solid Waste Amendments in November of 1984, (HSWA) did RCRA corrective action authority extend to the ACS site. Thus, at the time the ACS Site was placed on the NPL, CERCLA was the only authority available to U.S. EPA to address the hazardous waste disposal at the ACS site.

In both the Proposed and Final RCRA Listing Policy, U.S. EPA announced that some RCRA Sites proposed and placed on the NPL might go forward under CERCLA, notwithstanding the expanded RCRA corrective action authority provided in the HSWA Amendments. In the Proposed RCRA Listing Policy, 50 Federal Register 14115 at 14118 (April 10, 1985), it states that sites may not be deleted from the NPL if CERCLA fund-financed activities, such

as remedial investigation/feasibility studies, remedial design, or remedial action or CERCLA enforcement action have been initiated.

Similarly, the Final RCRA Listing Policy also states that not all RCRA sites proposed and placed on the NPL will be dealt with under RCRA. This policy recognized that for some sites, it might be disruptive to abandon CERCLA activities and begin RCRA corrective action activities at a site. This Final RCRA listing policy states that RCRA facilities will be dealt with under CERCLA in three situations: (1) where the owner of the RCRA facility is bankrupt; (2) where the facility lost authorization to operate and has indicated an unwillingness to carry out corrective action; and (3) case-by-case determinations of unwillingness.

With respect to category 3, case-by-case determinations of unwillingness, the RCRA Final Listing policy discussed two RCRA sites included in proposed NPL update #2 which were being added to the NPL, notwithstanding U.S. EPA's expanded corrective action authority under HSWA. The rationale for placing these sites on the NPL was that the owners of these two sites were unwilling to voluntarily undertake a RI/FS at these sites and fund-financed remedial planning was in progress.

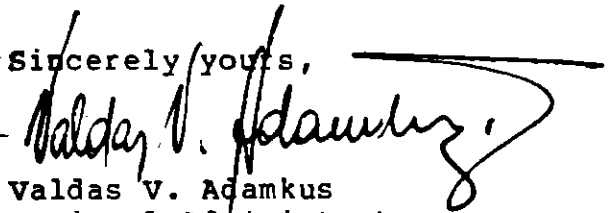
The ACS site falls within the third category of the final RCRA Listing Policy and is similar to the two examples cited therein. ACS has indicated to U.S. EPA that it is not currently willing to solely fund an RI/FS at its site. (ACS does, however, state that it will participate with other PRPs in a privately funded RI/FS at its site).

In addition, despite your statements to the contrary, U.S. EPA has undertaken substantial fund-financed investigative activities at the ACS site. U.S. EPA has performed sampling activities at the ACS site, performed a Site Assessment for the ACS site, and has prepared a Work Plan for a RI/FS at the ACS site. The Work Plan itself included preparation of a Health and Safety Plan, a Quality Assurance Project Plan, and a Sampling and Analysis Plan. While you state that notice letters were sent only in March of this year, it must be remembered that notice letters were also sent back in February of 1986, and that action has been delayed for over a year and a half on this site so that a new PRP list could be formulated by Clean Sites, Inc.

Given the fact that ACS has stated that it is unwilling to solely fund the RI/FS at this site, coupled with the fact that U.S. EPA has already devoted substantial resources to CERCLA activities at this site, it would be both disruptive and dilatory to initiate corrective action proceedings against ACS at this time.

I hope this letter has provided you with a satisfactory explanation of U.S. EPA's action at the ACS site. If you have further questions, or wish to discuss the matter further, please contact Connie Puchalski of the Office of Regional Counsel, at (312) 886-6620.

Sincerely yours,


Valdas V. Adamkus
Regional Administrator

MAY 14 1990

5HR-12

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James Tarpo, President
American Chemical Service, Inc.
P.O. Box 190
Griffith, Indiana 46319

Re: Land Disposal Restrictions
American Chemical Service
IND 016 360 265

Dear Mr. Tarpo:

The United States Environmental Protection Agency has reviewed the February 22, 1990, Indiana Department of Environmental Management Land Disposal Restriction inspection report. It has been determined that your facility is in compliance with the Land Disposal Restriction requirements of the Resource Conservation and Recovery Act as amended.

If you have any questions regarding this matter, please contact Daniel Bakke of my staff at (312) 886-3781.

Sincerely yours,

Joseph M. Boyle, Chief
IL/TN Technical Enforcement Section

cc: Dennis Zawodni, IDEM

5HR-12:DBAKK:be:5/14/90:Filename:Tarpo.2

	TYP.	AUTH.	IL/TN TECH. ENF. SEC.	MI/WI TECH. ENF. SEC.	OH/MN TECH. ENF. SEC.	IL/MI/WI ENF. PROG. SECTION	IN/MN/OH ENF. PROG. SECTION	RCRA ENF. BR. CHIEF	O.R. A.D.D.	WMD DIR
INIT DATE	10/6 5/14/90	DB 5/14	AMP 5/14/90							

RCRA CONSENT AGREEMENT AND FINAL ORDER SIGN-OFF

PART I BACKGROUND

Facility Name American Chemical Service Inc.

Facility RCRA ID Number IND C16 30265

Docket Number V-W-89-R-37

REB Assignee Don Balle

ORC Assignee Steve

Summary of Agreement Respondent will demonstrate

compliance with liability coverage requirement within (6) months or cease receipt of all HW. Penalty to be paid is \$116,300.

PART II CONCURRENCES ON DRAFT CAFO

	Initials	Date	Agree	Disagree
REB Assignee	DB	2/28/90	✓	
Chief, RCRA Enf. Section	JMB	2/28/90	✓	
Acting Chief, RCRA Enf. Branch	JMB	2/28/90	✓	
Asst. Regional Counsel	SMS	3/2/90	✓	
Chief, S.W.E.R. Section	RH	3/3/90	✓	

PART III RETURN TO ORC ASSIGNEE FOR TRANSMITTAL OF DRAFT TO THE FACILITY

PART IV FINAL CAFO APPROVAL

REB Assignee

Chief, RCRA Enf. Section

Chief, RCRA Enf. Branch

Asst. Regional Counsel

Chief, S.W.E.R. Section

Assoc. Dir., Office of RCRA

Director, WMD

DB	4/23/90	✓	
RH for JMB	4/24/90	✓	
WEN	4/24/90	✓	
SMS	4/25/90	✓	
RH	5/1/90	✓	
SSB	5/2/90	✓	
NN	5-2-90		

by our
all documents signed


PART V RETURN TO J. SHARP, 5HR-13, FOR MAILING

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

DATE:

SUBJECT: CAFO for American Chemical Service, Inc.
Docket Number V-W-89-R-37

FROM: Judith Kertcher, Acting Associate
Division Director, Office of RCRA



TO: David Ullrich, Acting Director
Waste Management Division

The attached CAFO for American Chemical Service (ACS) Inc., Griffith, Indiana has been negotiated to resolve our August 4, 1989, Complaint concerning the ongoing operation of hazardous waste treatment and storage units at this facility without liability coverage for sudden accidental occurrences since March 12, 1986. ACS has agreed to demonstrate evidence of the required liability coverage within six months of March 5, 1990, or immediately cease receipt of all hazardous waste and submit a closure plan. A penalty of \$116,300 will be paid in two parts, \$65,000 within ten days of the effective date of the Order and the balance within six months of March 5, 1990.

Our initial penalty demand was \$116,300. The economic benefit of noncompliance was calculated to be \$93,800 and the gravity-based component was \$22,500. During negotiations ACS agreed to pay our full demand amount when we conceded to allow them to operate their facility for up to six months from March 5, 1990, while they continued to attempt to come into compliance. This grace period is consistent with the time limit set forth in two Headquarters guidance documents on financial responsibility requirements dated October 29, 1986, and October 10, 1989. Since the issuance of our Complaint, ACS has petitioned IDEM for a downward adjustment of the required level of financial responsibility for sudden accidental occurrences at their facility. That petition is pending review by IDEM and is acknowledged in our CAFO. IDEM's decision or lack of action on that petition will not change the deadlines established in our CAFO.

I recommend that you sign this Order and return the CAFO to my office for distribution.

Attachments

MAY 3 1990

246.527.560

5HR-12

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James Tarpo, President
American Chemical Service, Inc.
P.O. Box 190
Griffith, Indiana 46319

Re: Consent Agreement and Final Order
American Chemical Service, Inc.
IND 016 360 265

Dear Mr. Tarpo:

Enclosed please find a fully executed Consent Agreement and Final Order between
the United States Environmental Protection Agency and American Chemical
Service, Inc., Griffith, Indiana.

Thank you for your cooperation in this matter.

Sincerely yours,

Judith Kertcher
Acting Associate Division Director
Office of RCRA

Enclosure

cc: Maureen Johns Grimmer (w/enclosure (CAFO) ✓
Beverly Shorty, 5MF-14 ✓
Tom Linson, IDEM ✓
Dennis Zawodni, IDEM ✓

5HR-12:DBakk:be:4/23/90:Filename:Tarpo

Zotomayor 5MF ✓
HQ OS 520-Small
Office RCRA Sharp ✓
Seigel #5CS
ap 4/24/90
DP 5-3-90

INIT. DATE	TYP.	AUTH.	IL/IN TECH. ENF. SEC.	MI/WI TECH. ENF. SEC.	OH/MN TECH. ENF. SEC.	IL/IN/WI ENF. SEC.	IN/ND/OK ENF. SEC.	RCRA ENF. BR. SECTION CHIEF	FOR D.D.	WMD DIR.
4/23/90	DB	RA	4/24/90					5/2/90	5/3/90	



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

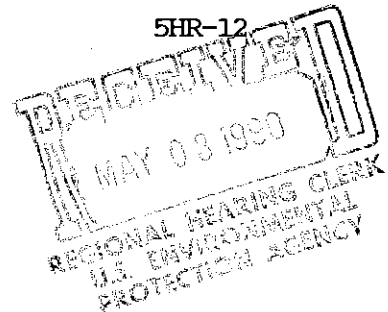
REPLY TO THE ATTENTION OF:

MAY 3 1990

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

James Tarpo, President
American Chemical Service, Inc.
P.O. Box 190
Griffith, Indiana 46319



Re: Consent Agreement and Final Order
American Chemical Service, Inc.
IND 016 360 265

Dear Mr. Tarpo:

Enclosed please find a fully executed Consent Agreement and Final Order between the United States Environmental Protection Agency and American Chemical Service, Inc., Griffith, Indiana.

Thank you for your cooperation in this matter.

Sincerely yours,

A handwritten signature in cursive script that reads "Judith Kertcher".

Judith Kertcher
Acting Associate Division Director
Office of RCRA

Enclosure

cc: Maureen Johns Grimmer (w/enclosure (CAFO))
Beverly Shorty, SMF-14
Tom Linson, IDEM
Dennis Zawodni, IDEM

MENT AND

RECEIVED
MAY 08 1990
REGIONAL WEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

DOCKET NO. V-W-89-R-37

CONSENT AGREEMENT AND FINAL ORDER

IND 016 360 265

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PROTECTION AGENCY

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REGIONAL WEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

James Tarpo, President, American Chemical Service, Inc., P.O. Box 190, Griffith, Indiana 46319. Respondent owns and operates a facility located at 420 South Colfax Avenue, Griffith, Indiana 46319.

3. Respondent admits the jurisdictional allegations contained in the Complaint.

4. Respondent neither admits nor denies the specific factual allegations contained in the Complaint.

5. Respondent explicitly waives its right to a hearing on the allegations contained in the Complaint.

6. Should the Respondent fail to comply with any provision contained in the subsequent Final Order, Respondent waives any rights it may possess in law or equity to challenge the authority of the U.S. EPA to bring a civil action in the appropriate United States district court to compel compliance with the Final Order and/or to seek an additional penalty for the non-compliance.

7. Respondent consents to the issuance of the Order hereinafter set forth and hereby consents to the payment of a civil penalty in the amount therein specified.

8. On January 31, 1986, the State of Indiana was granted final authorization by the Administrator of the U.S. EPA, pursuant to Section 3006(b) of RCRA, 42 U.S.C. Section 6926(b), to administer a hazardous waste program in lieu of the Federal program. Section 3008 of RCRA, 42 U.S.C. Section 6928, provides that the U.S. EPA may enforce State regulations in

those States authorized to administer a hazardous waste program.

9. This Consent Agreement and Final Order shall become effective on the date it is signed by the Acting Director of the Waste Management Division.

10. Respondent agrees to demonstrate its best efforts to obtain liability coverage for sudden and accidental occurrences throughout the duration of this Order.

FINAL ORDER

Based on the foregoing stipulations, the parties agree to the entry of the following Final Order:

A. Respondent shall, within six (6) months of the effective date of this Order or within six (6) months from March 5, 1990, whichever is sooner, submit to the Indiana Department of Environmental Management (IDEM), with a copy to U.S. EPA, demonstration of financial responsibility for sudden accidental occurrences arising from Respondent's facility as specified in 329 IAC 3-22-24(a) or 40 CFR 265.147(a) or such lesser amount as may be agreed to by IDEM in response to a variance petition submitted by the Respondent to IDEM.

B. If the Commissioner of IDEM reaches a final decision denying Respondent's petition for a variance within the time frames of this Order, Respondent will cease receipt of all hazardous waste no later than 30 days from notification by IDEM of its decision. Respondent shall have 30 days from the date of notification by IDEM of an unfavorable decision to submit a closure plan, as described in Paragraph D below.

C. If Respondent is unable to show evidence of liability coverage for sudden and accidental occurrences by the date and in the amount established in Paragraph A above, Respondent shall immediately cease receipt of all hazardous waste.

D. If Respondent is unable to show evidence of liability coverage for sudden and accidental occurrences by the date and in the amount established in Paragraph A, Respondent shall, within 30 days of the date Respondent is required by Paragraph C above to cease receipt of all hazardous waste, submit to IDEM and U.S. EPA a closure plan, including a closure schedule, which addresses all of its hazardous waste treatment, storage, and disposal units. The closure plan shall be developed in accordance with applicable requirements of 329 IAC 3-21-2. The closure plan shall be subject to review, modification, and approval by IDEM. The Respondent shall implement the closure plan in accordance with the schedule contained in the approved closure plan.

E. Respondent shall notify U.S. EPA in writing upon achieving compliance with this Order or any part thereof. The notification(s) of compliance shall be attested to by a responsible official who shall state:

"I certify that the information contained in or accompanying this notification of compliance is true, accurate and complete."

This notification shall be submitted no latter than the time stipulated above to the Waste Management Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, Attention: Daniel Bakk, RCRA Enforcement Branch, 5HR-12.

F. A copy of these documents and all correspondence with U.S. EPA regarding this Order shall also be submitted to Thomas Linson, Chief, Solid and Hazardous Waste Management Branch, Indiana Department of Environmental Management, 105 South Meridian Street, Indianapolis, Indiana 46206-6015.

G. Respondent shall pay a civil penalty in the amount of ONE HUNDRED SIXTEEN THOUSAND THREE HUNDRED DOLLARS (\$116,300). Sixty-five thousand dollars (\$65,000) of this penalty shall be paid within ten (10) days of the effective date of this Order. The remainder of the penalty shall be paid within six (6) months of the effective date of this Order or six (6) months from March 5, 1990, whichever is sooner. Payment shall be made by certified or cashier's check payable to the Treasurer of the United States and shall be mailed to U.S. EPA, Region V, P.O. Box 70753, Chicago, Illinois 60673.

Copies of the transmittal of the payment should be sent to both the Regional Hearing Clerk, Planning and Management Division (5MF-14), and the Solid Waste and Emergency Response Branch Secretary, Office of Regional Counsel (5CS-TUB-3), U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604.

The U.S. EPA may collect interest on any amounts overdue under the terms of this Final Order at the rate established by the Secretary of Treasury pursuant to 31 U.S.C. Section 3717. A late payment handling charge of \$20.00 will be imposed on any late payment, with an additional charge of \$10.00 for each subsequent 30-day period over which an unpaid balance remains.

Failure to comply with the requirements of this Final Order may subject Respondent to liability for a penalty of up to TWENTY-FIVE THOUSAND DOLLARS (\$25,000) for each day of continued noncompliance with terms of the Final

Order. U.S. EPA is authorized to assess such penalties pursuant to RCRA Section 3008(c).

This Order constitutes a settlement and final disposition of the Complaint filed in this case and stipulations hereinbefore recited.

Notwithstanding any other provision of this Order, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. Section 6973, or other statutory authority should U.S. EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at the facility may present an imminent and substantial endangerment to human health or the environment. U.S. EPA also expressly reserves the right to take any action necessary under Section 3008 of RCRA to enforce compliance with the applicable provisions of 329 IAC 3; 40 CFR Parts 124 and 260 through 270; and this Order.

SIGNATORIES

Each undersigned representative of a party to this Consent Agreement and Final Order consisting of seven (7) pages certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Agreement and Final Order and to legally bind such party to this document.

Agreed to this _____ day of _____, 1990

By *James Torgo*
American Chemical Service, Inc.

Title *Pres.*

Agreed this *2nd* day of *May*, 1990

By *William E. Muno*
William E. Muno, Acting Associate Director
Waste Management Division
U.S. Environmental Protection Agency
Region V, Complainant

The above being agreed and consented to, it is so ordered

this *2nd* day of *May*, 1990

Norman Spidling
1401 David A. Ullrich, Acting Director
Waste Management Division
U.S. Environmental Protection Agency
Region V

IN THE MATTER OF:

AMERICAN CHEMICAL SERVICE, INC.
420 SOUTH COLFAX AVENUE
GRIFFITH, INDIANA 46319
DOCKET NO.V-W-89-R-37

CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing CAFO to be served upon the person designated below, on the date below, by causing said copy to be deposited in the U.S. Mail, First Class and certified-return receipt requested, postage prepaid, at Chicago, Illinois in an envelope addressed to:

James Tarpo, President
American Chemical Services
420 S. Colfax Avenue
Griffith, IN 46319

I have further caused the original of the CAFO and this Certificate of Service to be served in the Office of the Regional Hearing Clerk, located in the Planning and Management Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, on the date below.

These are said peron's last known address to the subscriber.

Dated this 3 day of MAY 1990.



Jean Sharp, Office of RCRA
US EPA, Region V

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:	)	DOCKET NO. V-W-89R-37
)	
AMERICAN CHEMICAL SERVICE,)	
INC.	)	COMPLAINT AND COMPLIANCE
	)	ORDER PURSUANT TO SECTION
	)	3008 OF THE RESOURCE
Respondent:	)	CONSERVATION AND RECOVERY ACT
	)	OF 1976, AS AMENDED,
AMERICAN CHEMICAL SERVICE,	)	42 U.S.C. 6928
INC.)	

MOTION TO STAY PROCEEDINGS

The respondent, American Chemical Service, Inc., by its counsel, Eichhorn, Eichhorn & Link of Hammond, Indiana, hereby petitions the United States Environmental Protection Agency pursuant to 5 U.S.C. §559 and 40 C.F.R. §22.16 to stay its complaint and compliance order issued under Section 3008 of the Resource Conservation and Recovery Act of 1976 as amended ("RCRA"), 42 U.S.C. §6928, pending disposition of respondent's Petition for Variance, pending before the Indiana Department of Environmental Management (IDEM), and in support states as follows:

1. Respondent, American Chemical Service, Inc. ("ACS"), is a person defined by Section 1004(15) of RCRA, 42 U.S.C. §6903(15) and 329 IAC 3-1-7, who owns and operates a facility at 420 South Colfax Avenue, Griffith, Indiana 46319 that treats and stores hazardous waste.

2. On August 15, 1980, ACS filed a notification of hazardous waste activity for this facility with U.S. EPA pursuant

to Section 3010 of RCRA. On November 18, 1980, American Chemical Service, Inc. filed Part A of the permit application with U.S. EPA pursuant to Section 3005 of RCRA. Amended Part A permit applications were filed with U.S. EPA on February 18, 1982, August 14, 1985, June 2, 1986, and July 10, 1987. The August 14, 1985, Part A permit application identified the hazardous waste management processes at this facility as storage in tanks and containers, and solvent and fuel recycling. Hazardous wastes processed by ACS are those identified and listed as hazardous waste under Section 3001 of RCRA and Title 329 IAC and specifically include: D001, F001, F002, F003, and F005.

3. Pursuant to the requirements of 329 IAC 3-22-24(a), an owner or operator of a hazardous waste treatment, storage, or disposal facility must demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility. The owner or operator of such facility must have and maintain liability coverage for sudden accidental occurrences in the amount of at least one million dollars (\$1,000,000) per occurrence, with an aggregate of at least two million dollars (\$2,000,000), exclusive of legal defense costs unless a variance is obtained.

4. ACS has previously demonstrated proof of adequate insurance for liability coverage for sudden accidental occurrences effective on October 28, 1982, March 12, 1984, and

March 12, 1985. The coverage was cancelled by the insurer effective March 12, 1986.

5. By letter dated August 7, 1987, ACS requested information from IDEM on how to obtain a variance pursuant to regulation. By numerous telephone calls and by letter dated March 13, 1989, this request was repeatedly renewed.

6. Since the date that the insurance was cancelled ACS has regularly provided a 60 day status letter regarding its attempts to obtain insurance or other financial assurance to the Commissioner of IDEM.

7. On May 25, 1989, ACS received correspondence from Thomas Linson, Chief, Hazardous Waste Management Branch, IDEM indicating that IDEM was unable to process a variance petition filed pursuant to 329 IAC 3-22-24(c) and (d).

8. On August 4, 1989, ACS received this notice of violation from EPA concerning the financial assurance requirements and indicating that if the requirements are not promptly met, EPA would order ACS to commence closure of its facility.

9. After informal conference EPA agreed to allow ACS a 60 day extension to investigate methods of obtaining fundamental assurance.

10. On November 7, 1989, ACS filed with the Indiana Department of Environmental Management ("IDEM") a Petition for Variance (attached as Exhibit A) which sets forth the good faith efforts of ACS to meet its statutory obligations regarding

liability coverage and its attempts at filing a petition for variance with IDEM. Said petition requests the Commissioner to issue a variance retroactive to March 12, 1986.

11. The petition for variance filed by ACS is now pending before IDEM. If IDEM approves the petition and grants a variance, ACS will meet the liability requirements of 329 IAC 3-22-24(a), making EPA's complaint baseless.

12. Abstention by EPA while IDEM acts on the petition for variance would avoid duplicative adjudication of complex issues which are the concern of both the State of Indiana and EPA.

13. ACS's inability to obtain a variance is a direct result of state and federal governmental authorities' failure to accord ACS its rights pursuant to regulation (40 C.F.R. 264.147(c) and (d); 329 IAC 3-22-24(c) and (d)).

14. Furthermore, if EPA proceeds to order the closure of respondent's facility, ACS would be irreparably harmed in the following ways:

- A. ACS would suffer severe financial losses which could not be recouped;
- B. ACS would be forced to lay off trained employees;
- C. ACS would not be able to meet contractual obligations;
- D. After closure of the facility, ACS would be forced to abandon the NPL site known as American Chemical Service site prior to its remediation;
- E. ACS would be unable to continue operation, and thus would be unable to generate funds to participate financially in the RI/FS and/or remediation of the CERCLA site or enter into an Administrative Consent Order with EPA regarding the CERCLA action;

F. ACS would be unable to participate financially in other CERCLA actions at other sites for which it may be a potentially responsible party.

15. Pursuant to 40 C.F.R. §22.16(c), ACS refrains from answering EPA's complaint and from requesting a hearing until the Regional Administrator rules on this motion.

WHEREFORE, since it is in the best interests of the environment to have ACS remain in operation in order to facilitate CERCLA remediation, both financially and as an on-site owner-operator, ACS requests the EPA to stay any action on its complaint and compliance order pending disposition of the petition for variance pending with IDEM.

Respectfully submitted,

EICHHORN, EICHHORN & LINK

By: Maureen Johns Grimmer
Maureen Johns Grimmer
Linda J. Kibler
Attorneys for Respondent
American Chemical Service, Inc.

EICHHORN, EICHHORN & LINK
Attorneys at Law
200 Russell Street
P.O. Box 6328
Hammond, Indiana 46325
Telephone: 219/931-0560

BEFORE THE INDIANA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

AMERICAN CHEMICAL SERVICE, INC.,)
)
 Petitioner,)
)
vs.)
)
KATHY PROSSER, COMMISSIONER,)
INDIANA DEPARTMENT OF ENVIRON-)
MENTAL MANAGEMENT,)
)
 Respondent.)

PETITION FOR VARIANCE

American Chemical Service, Inc., by its counsel, Maureen Johns Grimmer, Eichhorn, Eichhorn & Link, files its Petition for Variance pursuant to 329 IAC 3-22-24(c) and (d). In support of its petition American Chemical Service, Inc. (ACS) states as follows:

1. Petitioner, ACS, is a person defined by Section 1004(15) of RCRA, 42 U.S.C. §6903(15) and 329 IAC 3-1-7, who owns and operates a facility at 420 South Colfax Avenue, Griffith, Indiana 46319 that treats and stores hazardous waste. Petitioner is an Indiana corporation whose registered agent is James Tarpo, President, American Chemical Service, Inc., P.O. Box 190, Griffith, Indiana 46319.

2. On August 15, 1980, ACS filed a notification of hazardous waste activity for this facility with U.S. EPA pursuant to Section 3010 of RCRA. On November 18, 1980, American Chemical Service, Inc. filed Part A of the permit application with U.S. EPA pursuant to Section 3005 of RCRA. Amended Part A permit applications were filed with U.S. EPA on February 18, 1982,

August 14, 1985, June 2, 1986, and July 10, 1987. The August 14, 1985, Part A permit application identified the hazardous waste management processes at this facility as storage in tanks and containers, and solvent and fuel recycling. Hazardous wastes processed by ACS are those identified and listed as hazardous waste under Section 3001 of RCRA and Title 329 IAC and specifically include: D001, F001, F002, F003, and F005.

3. Pursuant to the requirements of 329 IAC 3-22-24(a), an owner or operator of a hazardous waste treatment, storage, or disposal facility must demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility. The owner or operator of such facility must have and maintain liability coverage for sudden accidental occurrences in the amount of at least one million dollars (\$1,000,000) per occurrence, with an aggregate of at least two million dollars (\$2,000,000), exclusive of legal defense costs unless a variance is obtained.

4. ACS has previously demonstrated proof of adequate insurance for liability coverage for sudden accidental occurrences effective on October 28, 1982, March 12, 1984, and March 12, 1985. In a cancellation notice dated December 13, 1985, IDEM was notified that the coverage which became effective on March 12, 1985, was to be cancelled, effective March 12, 1986.

5. By letter dated August 7, 1987, ACS requested information from IDEM on how to obtain a variance pursuant to

regulation. By letter dated March 13, 1989, this request was renewed.

6. Since the date that the insurance was cancelled ACS has provided a 60 day status letter to the Commissioner of IDEM regarding its attempts to obtain new insurance.

7. On May 25, 1989, ACS received correspondence from Thomas Linson, Chief, Hazardous Waste Management Branch, IDEM indicating that IDEM was unable to process a variance petition filed pursuant to 329 IAC 3-22-24(c) and (d).

8. On August 4, 1989 ACS received a notice of violation from U.S. EPA concerning the financial assurance requirements which indicates that if the requirements are not promptly met ACS must commence closure of its facility.

9. No third party claims have been made against ACS regarding any sudden accidental occurrences at the ACS facility during its 35 years of operation in the hazardous waste business.

10. The size of the facility, its rural setting, its available response equipment, the limited number of waste codes (D001, F001, F002, F003 and F005), the type of waste (none is reactive or radioactive), the fact that all waste is stored at atmospheric conditions and treated at negative to atmospheric pressures as well as the containment and emergency spill response program already in place greatly limit the amount and duration of potential accidental occurrences, which limit is substantially lower than the \$1,000,000/\$2,000,000 requirements set forth in 329 IAC 3-22-24(a).

11. Because the level of financial responsibility required by 329 IAC 3-22-24(a) is not consistent with the degree and duration of risk associated with ACS facility, an adjustment of the level of financial responsibility is appropriate.

12. An outline of the technical and engineering information to be submitted by ACS in support of this petition pursuant to 329 IAC 3-22-24(c) is attached (Attachment I).

WHEREFORE, the petitioner, American Chemical Service, Inc. requests that the Commissioner grant a variance, retroactive to March 12, 1986, to ACS by adjusting the level of financial responsibility required pursuant to 329 IAC 3-22-24(d).

Respectfully submitted,

EICHHORN, EICHHORN & LINK

By: Maureen Johns Grimmer
Maureen Johns Grimmer

EICHHORN, EICHHORN & LINK
Attorneys at Law
200 Russell Street
P.O. Box 6328
Hammond, Indiana 46325
Telephone: 219/931-0560

ATEC Associates, Inc.



1501 East Main Street
Griffith, Indiana 46319-0270
(219) 924-8690, (312) 375-9092
FAX # (312) 375-8649

October 27, 1989
PN 1093B

Ms. Maureen Johns Grimmer, Esq.
Eichhorn, Eichhorn and Link
200 Russell Street
P.O. Box 6328
Hammond, IN 46325

UP-DATED PROPOSAL

Risk Assessment and Remedial Cost Estimate
RCRA Facilities
American Chemical Services Plant
Griffith, Indiana

Dear Ms. Grimmer:

This proposal is in response to our recent meeting regarding American Chemical Services Inc. (ACS) in which we discussed the regulatory agency's interest in addressing the RCRA financial responsibility issues at the ACS facility. We understand that ACS remains unable to obtain insurance to satisfy financial assurance requirements because of their current NPL status. ACS has decided to submit a request for variance for an adjustment to the levels of financial responsibility. By adjusting the levels to be more consistent with the degree and duration of risk associated with the operations at ACS, the financial assurance

ATTACHMENT I

DISTRICT OFFICE

22 West Erie Street

A Subsidiary of American Testing and Engineering Corporation

Consulting Geotechnical, Materials and
Environmental Engineers

requirement can be satisfied by alternative mechanism. To satisfy the variance provisions, ACS should assess potential sources of sudden and accidental releases and of gradual releases of hazardous materials into the environment. The characteristics of such releases are molded to develop remediation scenarios with associated cost estimates. These remediation cost estimates would then be compared to the statutory proscribed amounts in the regulations to see if a variance is warranted.

Since 1986 a considerable amount of on-site work has been conducted or is well underway, including a RCRA Part B permit application and RI/FS studies. These studies are providing valuable information on which to base this proposed risk assessment. This work suggests that there is a continuous confining layer at relatively shallow depth which would limit vertical percolation of contaminants. Further, the existing operations at ACS consist of essentially a large treatment process. Should a spill or gradual release occur, ACS would be able to remediate it on-site with on-going on-site treatment processes, resulting in considerable cost savings over typical sites. These factors combined with secondary containment and other process upgrades reduce the risk and severity of releases, and thus may reduce the financial assurance requirements sufficient to warrant a variance.

Proposed Scope Of Work - General

The financial responsibility variance is not a commonly pursued action, and there is not a standard scope of work format available. Because of this, and because of the extensive amount of work already performed and currently being performed on site, we recommend that the risk assessment and remedial cost estimate be pursued in the following phases:

1. Phase I - Compile and summarize the relevant historic site information (partial list attached). Identify data gaps.
2. Phase II - Perform the necessary work to fill data gaps identified in Phase I. Present detailed findings and submit a report to the Indiana Department of Environmental Management for review.
3. Phase III - Provide additional information as may be requested by IDEM to rule on the variance request.

The proposed scope of work for the Phase I study outlined above is discussed in greater detail below. Subsequent work will depend upon the findings of the Phase I work, and therefore, the subsequent phases of work are not detailed in this proposal.

Proposed Scope of Work - Phase I

The major tasks to be completed in Phase I are discussed below followed by a schedule estimate. A list of relevant completed studies is attached.

1. Site Hydrogeologic Conditions - Published Regional geologic information, past on-site hydrogeologic and geotechnical exploration, and available RI/FS work will be reviewed. We will develop the hydrogeologic parameters necessary to model the migration of chemical releases and necessary to model remediation scenarios for the surface water, groundwater, and soil migration routes.

2. Audit Plant Operations - Review plant operations as they relate to potential chemical releases. The contingency portion of the Part B permit application, tank certifications, and the SPCC plan are particularly relevant. Potential release points will be identified. The impact of secondary containment and alarm systems will be considered. If any areas that can be impacted are discerned, recommendations for their implementations will be discussed with the management. Process flow diagrams will be prepared, design drawings, and a photographic log will be submitted with the Phase I report.

3. Model Releases - Based upon the data collected in tasks 1 and 2 and upon available climatological data various sudden and gradual release scenarios will be modelled. This modelling would be preliminary in this phase, but would consider air, direct contact, surface water, and groundwater exposure routes. The purposes of this Phase I modeling are to identify data gaps and to develop conceptual remediation strategies.

4. Remedial Strategies - Appropriate remediation technologies would be assessed relevant to the modelled release scenarios. In particular, the ability of the existing on-site facilities to aid in the site remediation will be addressed. The feasibility of various remedial technologies to the site conditions will be addressed. The development of the Phase I conceptual remediation strategies with aid in identifying data gaps and to develop initial remedial cost estimates.

5. Cost Estimates - Initial cost estimates will be developed for the conceptual remediation strategies developed in the Phase I work. These estimates will, of course be approximate and include the following costs: assessment, monitoring, design, construction and long-term care. These initial cost estimates will be compared against the proscribed regulatory standards.
6. Review - A written Phase I report will be prepared and will summarize the work performed, present the findings of each task, identify data gaps, and include more detail recommendations for subsequent work.

Schedule

Based upon our current workload, we expect that the Phase I work described above could be completed within 60 days of authorization to proceed.

We look forward to working with you on this project.

Very truly yours,

ATEC Associates, Inc.

BY:

John W. Weaver II

John W. Weaver II, P.E.

Vice President

Attachment

List of Completed Studies

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:	)	DOCKET NO. V-W-89R-37
)	
AMERICAN CHEMICAL SERVICE,)	
INC.	)	COMPLAINT AND COMPLIANCE
	)	ORDER PURSUANT TO SECTION
	)	3008 OF THE RESOURCE
Respondent:	)	CONSERVATION AND RECOVERY ACT
	)	OF 1976, AS AMENDED,
AMERICAN CHEMICAL SERVICE,	)	42 U.S.C. 6928
INC.)	

CERTIFICATE OF SERVICE

I, Maureen Johns Grimmer, Eichhorn, Eichhorn & Link certify that on the 16th day of November, 1989, that a true and complete copy of the foregoing Motion to Stay Proceedings was served upon:

Steve Siegel, #5CS-TUB-3
Office of Regional Counsel
U.S. Environmental Protection Agency
230 South Dearborn St.
Chicago, IL 60604

Regina Kossek
Regional Judicial Officer
U.S. Environmental Protection Agency
230 South Dearborn St.
Chicago, IL 60604

Beverly Shorty
Regional Hearing Clerk
U.S. Environmental Protection Agency
230 South Dearborn St.
Chicago, IL 60604

by depositing a copy of the same in the U.S. mail with proper address and first-class certified postage pre-paid.


Maureen Johns Grimmer

EICHHORN, EICHHORN & LINK
Attorneys at Law
200 Russell Street
P.O. Box 6328
Hammond, Indiana 46325
Telephone: (219) 931-0560

PARTIAL LIST OF COMPLETED STUDIES

Subsurface Exploration and Geotechnical Evaluation, STS
Consultants Ltd., December, 1987

Resubmission of RCRA Part A & B Application, American
Chemical Services, Inc., July 1986

Contingency Plan Amended, American Chemical Services, 1986

Spill Prevention Control and Countermeasure Plan, American
Chemical Service, Inc., February, 1987

Chain-of-Custody Forms and Field Survey Forms, Gulf Coast
Laboratories, November, 1986

Storage Tank Assessment and Certification, ATEC Associates,
Inc., March, 1988

Storage Tank assessment and Certification, ATEC Associates,
Inc., January, 1988



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

RECEIVED
MAY 16 1990

105 South Meridian Street
P.O. Box 6015
Indianapolis 46206-6015
Telephone 317/232-8603

May 16, 1990

OFFICE OF RCRA
WASTE MANAGEMENT DIVISION
EPA, REGION V

Mr. James Tarpo
American Chemical Services, Inc.
P.O. Box 190
Griffith, Indiana 46319

Re: Letter of Compliance, Case No. VL-10093
Hazardous Waste Management
American Chemical Services, Inc.
EPA I.D. No. IND 016360265
Griffith, Lake County

Dear Mr. Tarpo:

Based upon documents available to the Office of Solid and Hazardous Waste Management staff during a record review on May 3, 1990, and the results of a reinspection conducted at your facility on February 23, 1990, it has been determined that American Chemical Services has achieved compliance with the terms of the Violation Letter issued to your firm on January 25, 1990.

Thank you for your cooperation. If you have any questions concerning this matter, feel free to contact Mr. John D. Crawford of the Office of Solid and Hazardous Waste Management at AC 317/232-4464.

Sincerely,

H. Martin Harmless II
Assistant Commissioner for
Solid and Hazardous Waste Management

JDC/rmw

cc: Lake County Health Department
Ms. Sally K. Swanson, U.S. EPA, Region V
Mr. Ted F. Warner
Mr. Mitch Mosier

Significant Action

On May 2, 1990, the Acting Director of the Waste Management Division signed a Consent Agreement and Final Order (CAFO) which requires American Chemical Services (ACS), Inc. Griffith, Indiana to demonstrate evidence of the RCRA required liability coverage by September 5, 1990 or immediately cease receipt of all hazardous waste and submit a closure plan. A penalty of \$116,300 will be paid by ACS.

This CAFO resolves our August 4, 1989, Complaint concerning the ongoing operation of hazardous waste treatment and storage units at this facility since March 12, 1986 without the required RCRA liability coverage for sudden accidental occurrences.

RCRA Contact: Dan Bakk 6-3781

ORC Contact: Steve Siegel 3-1129

EICHHORN, EICHHORN & LINK

FREDERICK F. EICHHORN, JR.
WILLIAM H. EICHHORN
FREDERICK H. LINK
DAVID C. JENSEN
RICHARD M. SCHUMACHER
PETER L. HATTON
PAUL A. RAKE
RICHARD A. HANNING
MAUREEN JOHNS GRIMMER
CHARLES W. WEBSTER

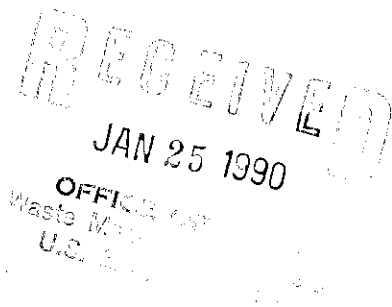
ATTORNEYS AT LAW
200 RUSSELL STREET
P.O. BOX 6328
HAMMOND, INDIANA
46325

TELEPHONE
(219) 931-0560

TELECOPIER
(219) 931-5370

SHERRY L. CLARKE
JOHN M. MCCRUM
JEANNE B. BLUMENTHAL
DOUGLAS B. STEBBINS
LINDA J. KIBLER
PRISCILLA A. HERCHIK

January 24, 1990



Daniel Bakk
RCRA Enforcement Branch (5HR-12)
U.S. Environmental Protection Agency
230 South Dearborn Street
Chicago, IL 60604

RE: American Chemical Service, Inc.
Docket No. V-W-89R-39
Our File No. 510.5264

Dear Mr. Bakk:

As you know, our firm represents American Chemical Service, Inc. in the above-referenced enforcement proceeding filed by the U.S. Environmental Protection Agency. At this time we believe it may be helpful to discuss the status of various issues pertaining to this action. Therefore, I am requesting an informal settlement conference with you and Mr. Siegel. Please contact me with some dates that both you and Mr. Siegel are available.

Thank you for your prompt consideration of this request.

Very truly yours,

EICHHORN, EICHHORN & LINK

By: Maureen Johns Grimmer
Maureen Johns Grimmer

MJG/lb

cc: Steven M. Siegel

- ## STATUS REPORT

(IDEM), with a copy to U.S. EPA, demonstration of financial responsibility for sudden accidental occurrences arising from Respondent's facility as specified in 329 IAC 3-22-24(a) or 40 CFR 265.147(a) or such lesser amount as may be agreed to by the IDEM in response to a variance petition submitted by the Respondent to IDEM.

3. If the Commissioner of IDEM reaches a decision denying Respondent's petition for a variance within the time frames of the CAFO, Respondent will cease receipt of all hazardous waste no later than 30 days from notification by IDEM of its decision. Respondent shall have 30 days from the date of notification by IDEM of an unfavorable decision to submit a closure plan, as described in section five (5) below.

4. If Respondent is unable to show evidence of liability coverage for sudden and accidental occurrences by the date and in the amount established in section two (2) above, Respondent shall immediately cease receipt of all hazardous waste.

5. If Respondent is unable to show evidence of liability coverage for sudden and accidental occurrences by the date and in the amount established in section two (2), Respondent shall, within 30 days of the date Respondent is required by section four (4) above to cease receipt of all hazardous waste, submit to IDEM and U.S. EPA a closure plan, including a closure schedule, which addresses all its hazardous waste treatment, storage, and

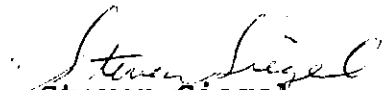
disposal units. The closure plan shall be developed in accordance with applicable requirements of 329 IAC 3-21-2. The closure plan shall be subject to review, modification, and approval by IDEM. The Respondent shall implement the closure plan in accordance with the schedule contained in the approved closure plan.

6. Respondent agrees to demonstrate its best efforts to obtain liability coverage for sudden and accidental occurrences throughout the duration of the CAFO.

7. The parties to this action will participate and cooperate in the drafting and execution of a CAFO as expeditiously as possible.

Respondent has seen a copy of this status report and has agreed to the terms contained herein.

Respectfully submitted,


Steven Siegel
Attorney for Complainant

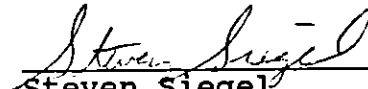
CERTIFICATION OF SERVICE

I certify that I have caused copies of the foregoing status report in the matter of American Chemical Service, Inc., Docket No. V-W-89R-37 to be served on the persons designated below by causing said copies to be hand delivered to:

Ms. Beverly Shorty, Regional Hearing Clerk, United States Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604 and deposited in the United States Mail, First Class, postage prepaid, on February 23, 1990 in Chicago, Illinois in envelopes addressed to:

The Honorable Judge J. F. Greene
United States Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460
Mail Code A-110

Ms. Maureen Johns Grimmer
Eichhorn, Eichhorn & Link
Attorneys at Law
200 Russell Street
P.O. Box 6328
Hammond, Indiana 46325



Steven Siegel
Assistant Regional Counsel
U.S. EPA - Region V

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:)	
	)	DOCKET NO. V-W-89R-37
AMERICAN CHEMICAL SERVICE,)	
INC.)	
)	
IND 016 360 265)	

ANSWER AND REQUEST FOR HEARING

The respondent, American Chemical Service, Inc., by its counsel, Eichhorn, Eichhorn & Link, hereby files its answer to the complaint issued by the United States Environmental Protection Agency under Section 3008 of the Resource Conservation and Recovery Act of 1976 as amended ("RCRA", 42 U.S.C. §6928) and states as follows:

1. Respondent, American Chemical Service, Inc., admits it is a person defined by Section 1004(15) of RCRA, 42 U.S.C. §6903(15) and 329 IAC 3-1-7, who owns and operates a facility at 420 South Colfax Avenue, Griffith Indiana 46319 that treats and stores hazardous waste, but denies that it generates and disposes of hazardous waste. It admits that it is an Indiana corporation whose registered agent is James Tarpo, President, American Chemical Service, Inc., P.O. Box 190, Griffith, Indiana, 46319.

2-5. Paragraphs 2-5 contain no allegations regarding the respondent so no response is given.

6. The respondent admits the contents of paragraph 6.

7. Paragraph 7 contains no allegation against the respondent so no response is given.

8. The respondent is without knowledge as to whether IDEM staff conducted a Record Review on September 3, 1987, but admits the remaining allegations contained in Paragraph 8.

9. The respondent denies the allegations of paragraph 9.

**GROUND'S FOR DEFENSE AND
FACTS TO BE AND PLACED AT ISSUE**

1. The respondent's alleged failure to comply with RCRA financial assurance requirements is a direct result of Complianant and IDEM's failure to accord respondent its rights pursuant to regulation [40 C.F.R. 264.147(c) and (d); 329 IAC 3-22-24(c) and (d)].

2. The amount of financial assurance required in 329 IAC 3-22-24(a) is arbitrary and capricious and bear no relationship to the respondent.

3. The respondent has continuously made good faith efforts to remain in compliance.

4. No third party claims have been made against the respondent regarding any sudden accidental occurrence at its facility during its 35 years of operation.

5. A petition for variance is currently pending before IDEM pursuant to 329 IAC 3-22-34(c) and (d). If IDEM approves the petition and grants a variance, this action will be rendered baseless.

6. The proposed civil penalty is excessive.

7. Closure of the resident's facility would cause irreparable harm to respondent and negate the overall intent of environmental legislation.

WHEREFORE, the respondent, American Chemical Service, Inc., requests a hearing after sufficient period for discovery pursuant to the provisions of Section 3008 of RCRA, 48 U.S.C.

§6928

Respectfully submitted,

EICHHORN, EICHHORN & LINK

BY: Maureen Johns Grimmer
Maureen Johns Grimmer

Attorney for Respondent,
American Chemical Service,
Inc.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:

AMERICAN CHEMICAL SERVICE,
INC.

IND 016 360 265

)
) DOCKET NO. V-W-89R-37
)
)
)

MOTION FOR LEAVE TO FILE DISCOVERY

The respondent, American Chemical Service, Inc., by its counsel, Eichhorn, Eichhorn & Link, pursuant to 40 C.F.R. 22.19(f)(3), moves for leave to file the accompanying First Request for Production of Documents and First Set of Interrogatories directed to the Complainant, United States Environmental Protection Agency. In support of its motion the Respondent states:

1. It seeks information related to the development of the regulations it is alleged to have violated, in regard to both the amount of financial liability required and the implementation of a variance procedure regarding the amount required.

2. Such information is within the sole control of the complainant and is otherwise unobtainable.

3. Such information has significant probative value pertinent to the defense of the Respondent.

4. A period of sixty days is requested for the Complainant to respond to these discovery requests and such period will not delay this proceeding.

5. No prior discovery has taken place.

Wherefore, the Respondent moves for an order allowing this discovery.

Respectfully submitted,

EICHHORN, EICHHORN & LINK

BY: Maureen Johns Grimmer
Maureen Johns Grimmer

Attorney for Respondent,
American Chemical Service,
Inc.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:

AMERICAN CHEMICAL SERVICE,
INC.
420 South Colfax Avenue
Griffith, Indiana,

IND 016 360 265

)
) DOCKET NO. V-W-89R-37
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FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS

American Chemical Services, Inc., by counsel, Maureen Johns Grimmer, Eichhorn, Eichhorn & Link, requests the United States Environmental Protection Agency ("EPA") to produce the following documents for inspection and copying at its office at 230 South Dearborn Street, Chicago, Illinois within sixty (60) days from the date of service hereof.

You are required to answer as to all information available to you and all persons acting on your behalf in accordance with Rule 34 of the Federal Rules of Civil Procedure. State the source of your information, if other than yourself, giving names, titles and addresses of persons relied upon and specific identification and location of records relied upon.

INSTRUCTIONS

The following instructions apply to this Discovery Request:

1. In producing documents and other materials, you are requested to furnish all documents or things in your possession, custody, or control, regardless of whether such documents or materials are possessed directly by you or your directors,

officers, agents, employees, representatives, consultants or affiliates.

2. The term documents means all writings of any kind, including the originals and all non-identical copies, whether different from the originals by reason of any notation made on such copies or otherwise, including without limitation, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, inter-office and intra-office communications, notations of any sort of conversations, telephone calls, meetings or other communications, bulletins, printed matter, computer print-outs, teletypes, telefax, invoices, worksheets, all drafts, alterations, modifications, changes, and amendments of any of the foregoing, graphic or oral records or representations of any kind (including, without limitation, photographs, charts, graphs, microfiche, microfilm, videotapes, recordings, motion pictures), and any electronic, mechanical, or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings, and computer memories).

3. If any requested document or thing cannot be produced in full, produce it to the extent possible, indicate what document or portion of that document is being withheld and the reason that document is being withheld.

4. In producing documents, you are requested to produce the original and identical copy of each document requested, as

well as all non-identical copies and drafts of that document in your possession.

5. To the extent possible, you are requested to produce documents in such fashion as to identify the department, branch of office in whose custody, possession, or control it was located, or, if applicable, the natural person in whose custody, possession, or control it was found, and the business address of each such custodian(s).

6. Documents attached to each other should not be separated.

7. If a document once existed and had subsequently been lost, destroyed, or is otherwise missing, please provide sufficient information to identify the document and state the details concerning its loss.

8. If your response is that a requested document or thing is not in your possession or custody, describe in detail the unsuccessful efforts you made to locate the records.

9. If your response is that a requested document or thing is not in your control, identify who has control and the location of the records.

10. If a request for production seeks a specific document or an itemized category that is not in your possession, control or custody, provide any documents you have that contain all or part of the information contained in the requested document or category.

11. Identify the source of each of the documents you produce.

REQUEST FOR PRODUCTION

1. Each and every document concerning the notification of any claim received by the U.S. EPA for bodily injury or property damages pursuant to 40 C.F.R. 264.147(a)(7)(i) for the period 1980 through 1989.

2. Each and every document notifying the U.S. EPA of a reduction or concerning a reduction in the amount of financial assurance for liability coverage pursuant to 40 C.F.R. 264.147(a)(7)(ii) for the period 1980 through 1989. ;

3. Each and every document relating to how the amount of \$1 million was determined as the amount of liability coverage required per occurrence for an owner or operator of a hazardous waste treatment, storage or disposal facility in 40 C.F.R. 264.147(a).

4. Each and every document relating to how the amount of \$2 million was determined to be the amount of annual aggregate liability coverage required for an owner or operator of a hazardous waste treatment, storage or disposal facility in 40 C.F.R. 264.147(a).

5. Each and every document submitted to the U.S. EPA for the period 1980-1989 pursuant to 40 C.F.R. 264.147(c) requesting a variance from the liability requirements of 40 C.F.R. 264.147(a).

6. Each and every document prepared by or on behalf of the U.S. EPA for the period 1980 through 1989 in response to requests for variances pursuant to 40 C.F.R. 264.147(c), including whether such request was granted.

7. Each and every document prepared by or on behalf of the U.S. EPA pertaining to criteria and/or guidelines used by the EPA to evaluate requests for variances pursuant to 40 C.F.R. 264.147(c).

8. Each and every document containing technical and/or engineering information compiled in the period 1980 through 1989 in response to requests for variances pursuant to 40 C.F.R. 264.147(c).

9. Each and every document prepared or issued by or on behalf of the U.S. EPA during the period 1980 through 1989 pertaining to denial or loss of permits and accompanying fines because of the failure of an owner or operator to comply with the liability requirements of 40 C.F.R. 264.147.

10. Each and every document which suggests or establishes procedures for the U.S. EPA or someone acting on its behalf to evaluate requests for variance pursuant to 40 C.F.R. 264.147(c).

11. Each and every document, including press releases, articles appearing in the press and interoffice communications, prepared by or for the U.S. EPA or on its behalf discussing the EPA's position on problems with enforcement of liability requirements of 40 C.F.R. 264.147 for owners or operators of small business facilities.

12. Any and all documents and correspondence exchanged between the U.S. EPA and the State of Indiana regarding American Chemical Service, Inc.'s compliance or failure to comply with the Resource Conservation and Recovery Act of 1976 as amended ("RCRA", 42 U.S.C. § 6928).

13. Any and all documents and correspondence relating to the record review conducted by the State of Indiana Department of Environmental Management (IDEM) on September 3, 1987 in possession of the U.S. EPA.

14. Any and all documents and correspondence exchanged between U.S. EPA and IDEM relating to requests for information, guidance documents, guidelines, or policy statements on the processing of variance requests pursuant to 329 IAC 3-22-24(c) and the responses to those requests.

15. Any and all documents and comments received in the rulemaking process by U.S. EPA in response to the proposed financial assurance requirements contained in 40 C.F.R. 264.147(a) which relate to the amount of financial assurance required.

Respectfully submitted,

EICHHORN, EICHHORN & LINK

By: Maureen Johns Grimmer
Maureen Johns Grimmer

EICHHORN, EICHHORN & LINK
200 Russell Street
P.O. Box 6328
Hammond, Indiana 46325
Telephone: (219) 931-0560

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:

AMERICAN CHEMICAL SERVICE,
INC.

420 South Colfax Avenue
Griffith, Indiana,

IND 016 360 265

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) DOCKET NO. V-W-89R-37
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FIRST SET OF INTERROGATORIES

Pursuant to Trial Rule 33 of the Federal Rules of Civil Procedure, American Chemical Service, Inc. by its counsel, Eichhorn, Eichhorn & Link, propounds Interrogatories to the United States Environmental Protection Agency ("EPA") and requests that it fully answer each interrogatory in writing and under oath and that a signed and notarized copy of the answers be served upon the attorney for American Chemical Services, Inc., 200 Russell Street, Hammond, Indiana 46320, within sixty (60) days after the date of service. All of these interrogatories shall be deemed continuing so as to require supplemental answers insofar as Trial Rule 26(E) is applicable to them.

You are required to answer as to all information available to you, and all persons acting on your behalf, stating the source of information if other than yourself and giving names, addresses, and titles of persons relied upon, and specific identification and location of records relied upon.

1. Please identify the person answering these interrogatories by stating:

- a) Full name.
- b) Address.
- c) Telephone number.
- d) Title.

ANSWER:

2. State the name, title, address, and telephone number of any person, organization and/or contractor who participated in the development of the amounts of financial assurance to be required under 40 C.F.R. 264.147(a) and describe the role of each listed.

ANSWER:

3. State the name, title, address and telephone number of any U.S. EPA employee who participated in the development of the amount of financial assurance to be required under 40 C.F.R. 264.147(a) and describe the role and duties of each person listed.

ANSWER:

4. Identify each notification of a claim made against a TSD facility pursuant to 40 C.F.R. 264.147(a)(7) by:

- a) Name and address of person or entity filing the notification.
- b) Location of occurrence.
- c) Date of occurrence.
- d) Type of occurrence.
- e) Severity of occurrence.
- f) Amount of initial claim.
- g) Amount actually paid to resolve claim.

ANSWER:

5. Identify each TSD facility which EPA has ordered to close or begin closure due to failure to comply with 40 C.F.R. 264.147(a) or its state counterpart by:

- a) Name.
- b) Address.
- c) Type of facility.
- d) Period of non-compliance by dates.
- e) Date of order.
- f) Amount of fine, if any.

ANSWER:

6. Identify each TSD facility which EPA has fined for failure to comply with 40 C.F.R. 264.147(a) or its state counterpart by:

- a) Name.
- b) Address.
- c) Type of facility.
- d) Period of non-compliance by dates.
- e) Date of order.
- f) Amount of fine.

ANSWER:

7. In answering the above interrogatories, have you answered not only as to the information that you yourself possess, but as to the information or facts known to all persons, firms or corporations acting on your behalf, including attorneys, insurance companies, their agents and investigators, and any other persons known to you who may have information relating to the above interrogatories?

ANSWER: Yes No (Circle one)

Name

Title

United States Environmental
Protection Agency

STATE OF INDIANA)
)
COUNTY OF LAKE) SS:

Before me, the undersigned notary on this _____ day of _____, 1990, personally appeared _____ who acknowledged the statements contained in the foregoing answers to First Set of Interrogatories are true and who also affirmed that the foregoing signature is his/her own.

Notary Public

Notary's Name Printed

My Commission Expires:

Resident of _____ County,
State of _____.

Respectfully submitted,

EICHHORN, EICHHORN & LINK

By: Maureen Johns Grimmer
Maureen Johns Grimmer

EICHHORN, EICHHORN & LINK
200 Russell Street
P.O. Box 6328
Hammond, Indiana 46325
Telephone: (219) 931-0560

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:

AMERICAN CHEMICAL SERVICE,
INC.

IND 016 360 265

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DOCKET NO. V-W-89R-37

O R D E R

For good cause shown, Respondent, American Chemical Service, Inc.'s Motion for Leave to File Discovery is granted. Complainant shall respond to Respondent's First Request for Production of Documents and First Set of Interrogatories within sixty (60) days of this order.

By: _____

Regina Kossek
Regional Judicial Officer
United States Environmental
Protection Agency

Dated this _____ day of _____, 1990.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:)
) DOCKET NO. V-W-89R-37
AMERICAN CHEMICAL SERVICE,)
INC.)
)
IND 016 360 265)

CERTIFICATE OF SERVICE

I, Maureen Johns Grimmer, Eichhorn, Eichhorn & Link certify that on the 16th day of January, 1990, that a true and complete copy of an Answer and Request for Hearing, Motion for Leave to File Discovery, First Request for Production of Documents, and First Set of Interrogatories were served upon:

Thomas Linson, Chief
Solid & Hazardous Waste Management Branch
Indiana Department of Environmental Management
105 South Meridian Street
Indianapolis, IN 46206-6015

Steven Siegel
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region V
230 S. Dearborn Street
Chicago, IL 60604

by depositing a copy of the same in the U.S. mail with proper address and first-class postage pre-paid.

Maureen Johns Grimmer
Maureen Johns Grimmer

EICHHORN, EICHHORN & LINK
Attorneys at Law
200 Russell Street
P.O. Box 6328
Hammond, Indiana 46325
Telephone: (219) 931-0560



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

REPLY TO ATTENTION OF:

Ms. Beverly Shorty
Regional Hearing Clerk
United States Environmental
Protection Agency
230 South Dearborn St.
Chicago, Illinois 60604

RE: American Chemical Service, Inc.
RCRA V-W-89R-37

Dear Ms. Shorty:

Enclosed please find copies of Complainant's Response to Respondent's Motion to Stay Complaint in the above-referenced matter and Complainant's Legal Memorandum in support of this Response.

Please forward these copies to the presiding officer assigned to the above-referenced matter.

Thank you for your assistance in this matter.

Sincerely yours,

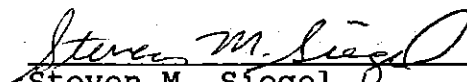

Steven M. Siegel
Assistant Regional Counsel

CERTIFICATION OF SERVICE

I certify that I have caused copies of the foregoing Response in Opposition to Respondent's Motion to Stay Proceedings and accompanying Legal Memorandum to be served on the persons designated below by causing said copies to be hand delivered to: Presiding Officer for American Chemical Service, Inc. (RCRA V-W-89R-37) c/o Ms. Beverly Shorty, Regional Hearing Clerk, United States Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604 and deposited in the United States Mail, First Class, postage prepaid, on November 27, 1989 in Chicago, Illinois in envelopes addressed to:

Ms. Maureen Johns Grimmer
Eichhorn, Eichhorn & Link
Attorneys at Law
200 Russell Street
P.O. Box 6328
Hammond, Indiana 46325

I hereby further certify that I made personal service of the foregoing Response to Motion to Dismiss Complaint and accompanying Legal Memorandum on the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604 on November 27, 1989.



Steven M. Siegel
Assistant Regional Counsel
U.S. EPA - Region V

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

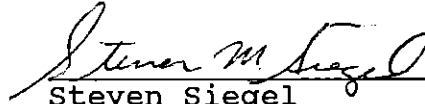
IN THE MATTER OF:	)	DOCKET NO. V-W-89R-37
)	
AMERICAN CHEMICAL SERVICE, INC.)	
420 SOUTH COLFAX AVENUE)	
GRIFFITH, INDIANA 46319)	
)	
)	
IND 016 360 265)	

COMPLAINANT'S RESPONSE IN OPPOSITION TO
RESPONDENT'S MOTION TO STAY PROCEEDINGS

Complainant United States Environmental Protection Agency (EPA) opposes Respondent's motion of November 17, 1989 to stay proceedings in the matter of American Chemical Service, Inc. Respondent has requested a stay on the grounds that it has applied for a variance of the financial responsibility requirements which are the basis of the complaint. EPA's position, as set forth in the attached memorandum of law, is that variance requests under 40 C.F.R. 264.147 (c) and (d) and 329 IAC 3-22-24 (c) and (d) do not relieve persons who own and operate a facility regulated by the Resource Conservation Recovery Act of 1976, as amended (RCRA), from the obligation to abide by the existing law.

Complainant United States Environmental Protection Agency
requests that Respondent's motion be denied.

Respectfully submitted,


Steven Siegel
Counsel for Complainant
Assistant Regional Counsel

Steven Siegel
United States Environmental
Protection Agency
5CS-TUB-3
230 S. Dearborn St.
Chicago, IL 60604
Telephone: (312) 353-1129

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:	)	DOCKET NO. V-W-89R-37
)	
AMERICAN CHEMICAL SERVICE, INC.)	
420 SOUTH COLFAX AVENUE)	
GRIFFITH, INDIANA 46319)	
)	
IND 016 360 265)	

MEMORANDUM OF LAW

The present case raises the issue of whether a RCRA regulated facility may avoid financial responsibility requirements while awaiting a decision on whether or not it can receive a waiver from these requirements. It is Complainant's position that a facility must comply with the law at all times and must not be allowed to escape financial responsibility requirements by engaging a state in a variance procedure of indeterminant length.

The owner or operator of a RCRA regulated facility must have and maintain liability coverage for sudden and accidental occurrences in the amount of a least one million dollars (\$1,000,000) per occurrence, with an aggregate of at least two million dollars (\$2,000,000), exclusive of legal defense costs. Failure to comply with these insurance requirements is a violation of Sections 3004 and 3005 of RCRA, 42 U.S.C. Sections 6924 and 6925, Indiana Code Section 13-7 (1982), and the Indiana Administrative Code at 329 IAC 3-22-24 (a). Respondent, in its motion for a stay in proceedings, admits it has violated these provisions since March 12, 1986.

The variance provisions cited by Respondent at 40 C.F.R. 264.147 and 329 IAC 3-22-4 do not allow a RCRA regulated facility to avoid compliance with the law. Courts have consistently held that while an entity may have a right to utilize the variance provisions in environmental laws, the entity is "subject to existing requirements until such time as he obtains a variance..." Train v. Natural Resources Defense Council, 421 U.S. 60, 92, 43 L.Ed 2d 731,753, 95 S. Ct. 1470 (1975). See also, Natural Resources Defense Council v. Outboard Marine Corp., 692 F.Supp. 801, 811 (N.D.Ill. 1988).

The court in Train emphasized that the original regulations remain in effect during the pendency of a variance request and that the entity requesting a variance remains subject to enforcement procedures. The rationale that a variance request is carried forward on the requesting entity's time and not the public's is especially relevant in the present case. American Chemical Service, Inc. (ACS) is aware that it has been operating without insurance, passing a financial test, or obtaining a corporate guarantee since March 12, 1986. ACS has delayed in filing its petition for a variance until November 7, 1989. It is uncertain from the face of respondent's proposal (attachment 1 of Respondent's motion for a stay) whether ACS has even initiated the risk assessments necessary for a variance petition. It

appears that Respondent, at this late date, is just now beginning a process which should have begun in 1985, when it first learned that its insurance would not be renewed. ACS now seeks to be rewarded for filing its proposal at what it must perceive as the last possible moment by asking that its request for a variance from the existing law be considered on the public's time.

Respondent claims it has made a good faith effort to comply with the law and therefore should be excused from its enforcement. While it is highly questionable whether Respondent has made a good faith effort, Respondent's arguments are irrelevant. The respondent in Inland Metals Refining Company, Docket No. V-W-85-R-59 (September 27, 1988) raised the same argument. The Inland Metals decision expressly held that there is no good faith defense to the insurance provisions of RCRA.

The facility subject to this RCRA enforcement action is on the National Priority List of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601, as amended. Both the site and the present facility contain hazardous substances which may threaten public health and the environment. While Respondent may propose a variance from the existing law, it must make its proposal on its own time.

Complainant requests that Respondent's motion for a stay in this proceeding be denied.



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

105 South Meridian Street

P.O. Box 6015

Indianapolis 46206-6015

Telephone 317/232-8603

VIA CERTIFIED MAIL P 124 435 138

January 25, 1990

Mr. James Tarpo
American Chemical Services, Inc.
P.O. Box 190
Griffith, Indiana 46319

Re: Violation Letter (VL-10093)
Hazardous Waste Management
Scheduled Compliance Inspection
American Chemical Services, Inc.
EPA I.D. No. ~~IND~~ 016360265
Griffith, Lake County

Dear Mr. Tarpo:

Representatives of the Department of Environmental Management (Department) are conducting inspections of facilities in Indiana that are engaged in the generation, transportation, treatment, storage, or disposal of hazardous waste. Facilities are being inspected to determine compliance with Indiana Code 13-7 (IC 13-7), "Environmental Management Act", and Indiana Administrative Code, 329 IAC 3, "Hazardous Waste Management Permit Program and Related Hazardous Waste Management Requirements." These inspections and record reviews are also being conducted pursuant to the requirements of the Resource Conservation and Recovery Act (RCRA), Public Law 94-580, as amended, for authorized state hazardous waste management programs.

This is to inform you that on March 31, 1989, and September 29, 1989, an inspection of American Chemical Services, located at 420 South Colfax Avenue, was conducted by Mr. Ted F. Warner of the Office of Solid and Hazardous Waste Management (OSHW), of the Department. Mr. James Murphy and you represented your firm at these inspections.

The following violations of 329 IAC 3 pertaining to the operation of your facility were noted:

1. 329 IAC 3-38-2 The design capacity of 16,500 gallons of container storage specified in the Part A permit application was exceeded by at least 1,700 gallons during the March 31, 1989, inspection and by approximately 8,300 gallons during the September 29, 1989, inspection.
2. 329 IAC 3-9-5 Hazardous waste containers in the satellite accumulation area's near the Injection Storage Tanks and Crude Storage area were not properly marked with the words "Hazardous Waste" or other words identifying their contents.

An Equal Opportunity Employer

Mr. James Tarpo

Page 2

American Chemical Services, Inc., within thirty (30) calendar days of receipt of this letter, shall achieve compliance with the following requirements:

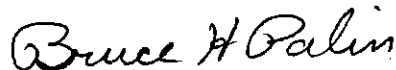
1. Reduce storage levels of hazardous waste in containers to the design capacity of 16,500 gallons. In the future, do not exceed design capacities specified in the Part A permit application.
2. Mark each container used to accumulate hazardous waste in satellite accumulation areas with the words "Hazardous Waste" or other words identifying the contents.

Your company shall submit to this office, within thirty-five (35) calendar days of receipt of this letter, a written detailed explanation of the steps taken to achieve compliance with each requirement. The letter shall state the date compliance was achieved.

Failure to respond adequately to this Violation Letter and verify a return to compliance at this facility will result in escalated enforcement action.

Please direct your response to this letter and any questions to Mr. John D. Crawford of the Office of Solid and Hazardous Waste Management, of the Department, AC 317/232-4464.

Sincerely,



Bruce H. Palin
Acting Assistant Commissioner for
Solid and Hazardous Waste Management

JDC/bja

cc: Lake County Health Department
Ms. Sally K. Swanson, U.S. EPA, Region V
Mr. Ted F. Warner
Mr. Mitch Mosier

RCRA ENFORCEMENT ACTION SIGN-OFF

PART I. BACKGROUND

FACILITY NAME

American Chemical Service, Inc.

FACILITY LOCATION

Griffith, Indiana

RCRA ID NUMBER

IND 016 360 265

ASSIGNEES

REB

A. Bakke

ORC

JANET CARLSON

NATURE OF VIOLATION

No liability coverage

as required by 329 IAC 3-22-24(2)

ANY OTHER OUTSTANDING OR PAST ENFORCEMENT ACTIONS AGAINST THIS FACILITY:

Nov issued 1/23/89 for not following
testing requirements in land disposal restric-
and order tions.

PART II. RECOMMENDATION

Issue complaint requiring
liability coverage and a
\$16,1300 penalty.

PART III. CONCURRENCES ON DRAFT

RECEIVED

FEB 17 1989
OFFICE OF REGIONAL COUNSEL
U.S. EPA, REGION V

INITIALS DATE AGREE DISAGREE

<u>DB</u>	<u>1/24/89</u>	(X)	()
<u>WMB/JS</u>	<u>2/2/89</u>	(X)	()
<u>LEM</u>	<u>2/7/89</u>	(X)	()
<u>gpc</u>	<u>6/12/89</u>	(X)	()

NAME & DATE OF STATE CONTACT NOTIFIED

Bruce Palm, IDEM notified

by letter dated 1/31/89

RECEIVED

FEB 6 1989

PART IV. APPROVAL

1. PREPARER
2. CHIEF, RCRA ENF. SECTION
3. CHIEF, RCRA ENF. BRANCH
4. ASSOC. DIR., OFFICE OF RCRA
5. ASSISTANT REGIONAL COUNSEL

for Janet Carlson
CHIEF, S.W. & E.R. SECTION
CHIEF, SOLID WASTE & EMER.
RESPONSE BRANCH

~~6. REGIONAL COUNSEL~~

9. DIRECTOR, WASTE MGT. DIV.

OFFICE OF REGIONAL COUNSEL
U.S. EPA, REGION V

<u>DB</u>	<u>6/16/89</u>	(X)	()
<u>WMB</u>	<u>6/22/89</u>	(X)	()
<u>LEM</u>	<u>6-26-89</u>	(X)	()
<u>gpc</u>	<u>6/27/89</u>	(X)	()
<u>gpc</u>	<u>7/4/89</u>	(X)	()
<u>RMB</u>	<u>8/1/89</u>	(X)	()
<u>gpc</u>	<u>2/2/89</u>	(X)	()

NOTE: Attach sign-off sheets to yellow copy of the enforcement action.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:
5H-12

AUG 4 1989

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James Tarpo
Registered Agent for
American Chemical Service, Inc.
P.O. Box 190
Griffith, Indiana 46319

Re: Complaint, Findings of Violation
and Compliance Order
American Chemical Service, Inc.
IND 016 360 265

Dear Mr. Tarpo:

Enclosed please find a Complaint and Compliance Order which specifies this Agency's determination of a certain violation by American Chemical Service, Inc. of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. §6901 et seq. This Agency's determination is based on a record review of the documents of the facility located at 420 Colfax Avenue, Griffith, Indiana, by staff at the Indiana Department of Environmental Management (IDEM).

The Complaint and Compliance Order states the reason for such a determination, establishes a compliance schedule, and assesses a civil penalty for the violation as set forth in the Complaint and Compliance Order. This Complaint and Compliance Order is issued pursuant to Section 3008 of RCRA, 42 U.S.C. §6928.

Accompanying the Complaint is a Notice of Opportunity for Hearing. Should you desire to contest the Complaint, a written request for a hearing is required to be filed with Ms. Beverly Shorty, Regional Hearing Clerk (5MF-14), United States Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, within 30 days from receipt of this Complaint. A copy of your request should also be sent to Janet R. Carlson, Office of Regional Counsel (5CS-TUB-3) at the above address.

Regardless of whether you choose to request a hearing within the prescribed time limit following service of this Complaint, you are extended an opportunity to request an informal settlement conference.

If you have any questions or desire to request an informal conference for the purpose of settlement with Waste Management Division staff, please contact Daniel Bakk, United States Environmental Protection Agency, RCRA Enforcement Branch (5HR-12), 230 South Dearborn Street, Chicago, Illinois 60604. His phone number is (312) 886-3781.

Sincerely,

Basil G. Constantelos, Director
Waste Management Division

Enclosure

cc: Thomas Linson, IDEM
Jeff Stevens, IDEM

bcc: Robert Small, OWPE (OS-520) ✓
Jan Carlson, ORC 5CS-TUB-3 ✓
Jean Sharp, Office of RCRA (5HR-13) ✓
Regional Hearing Clerk, 5MF-14 ✓
Hak Cho, RPB, 5HR-13

5HR-12:DBakk:nd: 6-3781:6/16/89
8/3/89

INIT. DATE	TYP.	AUTH.	IL/MN TECH. ENF. SEC.	MI/WI TECH. ENF. SEC.	OH/MN TECH. ENF. SEC.	IL/MI/WI ENF. PROG. SECTION	IN/EN/ON ENF. PROG. SECTION	RCRA ENF. BR. CHIEF	O.R. A.D.D.	WME DIRE
8/3/89	N/L	Don Bakk	JPC for JMB							

Regardless of whether you choose to request a hearing within the prescribed time limit following service of this Complaint, you are extended an opportunity to request an informal settlement conference.

If you have any questions or desire to request an informal conference for the purpose of settlement with Waste Management Division staff, please contact Daniel Bakk, United States Environmental Protection Agency, RCRA Enforcement Branch (5HR-12), 230 South Dearborn Street, Chicago, Illinois 60604. His phone number is (312) 886-3781.

Sincerely,

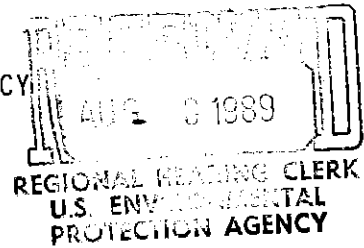
A handwritten signature in dark ink, appearing to read "Basil G. Constantelos", written in a cursive style.

Basil G. Constantelos, Director
Waste Management Division

Enclosure

cc: Thomas Linson, IDEM
Jeff Stevens, IDEM

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V



IN THE MATTER OF:

AMERICAN CHEMICAL SERVICE, INC.
420 SOUTH COLFAX AVENUE
GRIFFITH, INDIANA 46319

IND 016 360 265

DOCKET NO.

COMPLAINT, FINDINGS OF
VIOLATION AND COMPLIANCE ORDER

V-W- 89 R- 37

PREAMBLE

This Complaint and Compliance Order is filed pursuant to Section 3008(a)(1) of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. §6928(a)(1), and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Director, Waste Management Division, Region V, United States Environmental Protection Agency (U.S. EPA). The Respondent is American Chemical Service, Inc., owner and operator of a facility located at 420 South Colfax Avenue, Griffith, Indiana 46319.

This Complaint is based on information obtained by the U.S. EPA from the Indiana Department of Environmental Management (IDEM) files. Based on the review of those documents, it has been determined that Respondent has violated:

- (1) Sections 3004 and 3005 of RCRA, 42 U.S.C. §6924 and §6925 respectively;
- (2) the Indiana Code Section 13-7 (1982); and (3) the Indiana Administrative Code 329 IAC 3-22-24(a).

JURISDICTION

Jurisdiction for this action is conferred upon U.S. EPA by Sections 2002(a)(1), 3006(b), and 3008 of RCRA, 42 U.S.C. §6912(a)(1), §6926(b), and §6928 respectively.

On January 31, 1986, the State of Indiana was granted Final Authorization by the Administrator of U.S. EPA pursuant to Section 3006(b) of RCRA, 42 U.S.C. §6926(b), to administer a hazardous waste program in lieu of the Federal program. See 51 Federal Register 3953 (1986). As a result, facilities in Indiana qualifying for interim status under Section 3005(e) of RCRA, 42 U.S.C. §6925(e), are regulated under the Indiana provisions found at 329 Title IAC Article 3 et seq., rather than the Federal regulations set forth at 40 CFR Parts 265 and 270, except for applicable requirements pursuant to provisions of the Hazardous and Solid Waste Amendments of 1984 for which Indiana is not authorized. Sections 3006(b) and 3008(a) of RCRA, 42 U.S.C. §6926(b) and §6928(a), respectively provide that U.S. EPA may enforce State regulations in those States authorized to administer a hazardous waste program. Notice to the State pursuant to Section 3008(a)(2) has been provided by U.S. EPA.

FINDINGS OF VIOLATION

This determination of violation is based on the following:

1. Respondent, American Chemical Service, Inc., is a person defined by Section 1004(15) of RCRA, 42 U.S.C. §6903(15) and 329 IAC 3-1-7, who owns and operates a facility at 420 South Colfax Avenue, Griffith, Indiana 46319 that generates, treats, stores, and disposes of hazardous waste. Respondent is an Indiana

corporation whose registered agent is James Tarpo, President, American Chemical Service, Inc., P.O. Box 190, Griffith, Indiana 46319.

2. Section 3010(a) of RCRA, 42 U.S.C. §6930(a), requires any person who generates or transports hazardous waste, or owns or operates a facility for the treatment, storage, or disposal of hazardous waste, to notify U.S. EPA of such activity within 90 days of the promulgation of regulations under Section 3001 of RCRA. Section 3010 of RCRA also provides that no hazardous waste subject to regulations may be transported, treated, stored or disposed of unless the required notification has been given.

3. U.S. EPA first published regulations concerning the identification, generation, transportation, treatment, storage or disposal of hazardous waste on May 19, 1980. These regulations are codified at 40 CFR Parts 260 et seq. Notification to U.S. EPA of hazardous waste activity was required in most instances no later than August 18, 1980.

4. Section 3005(a) of RCRA requires U.S. EPA to publish regulations requiring each person owning or operating a hazardous waste treatment, storage, or disposal facility to obtain a RCRA permit. Such regulations were published on May 19, 1980, and are codified at 40 CFR Parts 270 and 271 (formerly Parts 122 and 123). The regulations require that persons who treat, store, or dispose of hazardous waste submit Part A of the permit application in most instances no later than November 19, 1980.

5. Section 3005(e) of RCRA provides that an owner or operator of a facility

shall be treated as having been issued a permit pending final administrative disposition of the permit application provided that: (1) the facility was in existence on November 19, 1980; (2) the requirements of Section 3010(a) of RCRA concerning notification of hazardous waste activity have been complied with; and (3) an application for a permit has been made. This statutory authority to operate is known as interim status. U.S. EPA regulations implementing these provisions are found at 40 CFR Part 270.

6. On August 15, 1980, American Chemical Service, Inc. filed a notification of hazardous waste activity for this facility with U.S. EPA pursuant to Section 3010 of RCRA. On November 18, 1980, American Chemical Service, Inc. filed Part A of the permit application with U.S. EPA pursuant to Section 3005 of RCRA. Amended Part A permit applications were filed with U.S. EPA on February 18, 1982, and August 14, 1985. The August 14, 1985, Part A permit application identified the hazardous waste management processes at this facility as storage in tanks and containers, and solvent and fuel recycling. Hazardous wastes processed by Respondent are those identified and listed as hazardous waste under Section 3001 of RCRA and Title 329 IAC and specifically include: D001, F001, F002, F003, and F005.

7. Pursuant to the requirements of 329 IAC 3-22-24(a), an owner or operator of a hazardous waste treatment, storage, or disposal facility must demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility. The owner or operator of such facility must have and maintain liability coverage for sudden accidental occurrences in the amount of at least one million dollars (\$1,000,000) per occurrence, with an aggregate of at least two million dollars (\$2,000,000), exclusive of legal defense costs.

8. IDEM staff conducted a Record Review on September 3, 1987, and found that the Respondent had previously demonstrated proof of adequate insurance for liability coverage for sudden accidental occurrences effective on October 28, 1982, March 12, 1984, and March 12, 1985. In a cancellation notice dated December 13, 1985, IDEM was notified that the coverage which became effective on March 12, 1985, was to be cancelled, effective March 12, 1986.

9. Financial responsibility for third party liability can be demonstrated by obtaining insurance, by passing a financial test, or by obtaining a corporate guarantee from a parent corporation that passes the financial test. A combination of the financial test and insurance or a combination of the corporate guarantee and insurance totalling at least the minimum amounts required by 329 IAC 3-22-24(a) are also acceptable demonstrations of liability requirements. Other acceptable financial mechanisms for liability coverage include letters of credit, surety bonds, trust funds and guarantees provided by firms that are not the direct parent of the owner or operator. (See 53 Fed. Reg. 33938 (September 1, 1988)). Since March 12, 1986, Respondent has failed to demonstrate compliance with financial responsibility for third-party liability as required by 329 IAC 3-22-24(a), and as such, has operated in violation of 329 IAC 3-22-24(a).

COMPLIANCE ORDER

Respondent having been initially determined to be in violation of the above-cited rules and regulations, the following Compliance Order pursuant to Section 3008 of RCRA, 42 U.S.C. §6928, is entered:

A. Respondent shall, within thirty (30) days of this Order becoming final,

submit to IDEM, with a copy to U.S. EPA, demonstration of financial responsibility for sudden accidental occurrences arising from operations at Respondent's facility as specified in 329 IAC 3-22-24(a) or 53 Fed Reg. 33938 (September 1, 1988), or commence closure of this facility in compliance with 329 IAC 3-21-2 as noted in (B) below.

B. If Respondent is unable to show evidence of liability coverage for sudden accidental occurrences, within thirty (30) days of this Order becoming final, Respondent shall submit a closure plan, including a closure schedule, which addresses all its hazardous waste treatment, storage, and disposal units. The closure plan shall be developed in accordance with applicable requirements of 329 IAC 3-21-2. The closure plan shall be subject to review, modification and approved by the U.S. EPA and IDEM. The Respondent shall implement the closure plan in accordance with the schedule contained in the approved closure plan.

C. Respondent shall notify U.S. EPA in writing upon achieving compliance with this Order and any part thereof. This notification shall be submitted no later than the time stipulated above to the U.S. EPA, Region V, Waste Management Division, 230 South Dearborn Street, Chicago, Illinois 60604. Attention: Mr. Daniel Bakk, RCRA Enforcement Branch (5HR-12).

A copy of these documents and all correspondence with U.S. EPA regarding this Order shall also be submitted to: Thomas Linson, Chief, Solid and Hazardous Waste Management Branch, Indiana Department of Environmental Management, 105 South Meridian Street, Indianapolis, Indiana 46206-6015.

Notwithstanding any other provision of this Order, an enforcement action may be brought pursuant to Section 7003 of RCRA or any other statutory authority where

the handling, storage, treatment, transportation, or disposal of solid or hazardous waste at this facility may present an imminent and substantial endangerment to human health or the environment.

PROPOSED CIVIL PENALTY

In view of the above determination and in consideration of the seriousness of the violations cited herein, the potential harm to human health and the environment, the continuing nature of the violation, and the ability of the Respondent to pay penalties, the Complainant proposes to assess a civil penalty in the amount of ONE HUNDRED SIXTEEN THOUSAND THREE HUNDRED DOLLARS (\$116,300) against the Respondent, American Chemical Service, Inc., pursuant to Sections 3008(c) and 3008(g) of RCRA, 42 U.S.C. §6928(c) and (g). Attachment I to the Complaint provides a summary of the proposed civil penalty.

Payment shall be made by certified or cashier's check payable to the Treasurer of the United States of America and shall be mailed to U.S. EPA, Region V, P.O. Box 70753, Chicago, Illinois 60673. Copies of the transmittal of the payment should be sent to both the Regional Hearing Clerk, Planning and Management Division (5MF-14), and the Solid Waste and Emergency Response Branch Secretary, Office of Regional Counsel (5CS-TUB-3), U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604.

Failure to comply with any requirements of the Order shall subject the above-named Respondent to liability for a civil penalty of up to TWENTY-FIVE THOUSAND DOLLARS (\$25,000) for each day of continued noncompliance with the deadlines contained in this Order. U.S. EPA is authorized to assess such penalties pursuant to RCRA Section 3008(c).

The U.S. EPA may collect interest on any amount overdue under the terms of this Complaint at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. §3717. A late payment handling charge of \$20.00 will be imposed on any late payment, with an additional charge of \$10.00 for each subsequent 30-day period over which an unpaid balance remains. In addition, a six percent per annum penalty will be applied on any principal amount not paid within ninety (90) days of the date on which each payment is due.

NOTICE OF OPPORTUNITY FOR HEARING

The above-named Respondent has the right to request a hearing to contest any material factual allegation set forth in the Complaint and Compliance Order or the appropriateness of any proposed compliance schedule or penalty. Unless said

Respondent has filed an answer not later than thirty (30) days from the date this Complaint is served, Respondent may be found in default of the above Complaint and Compliance Order.

To avoid a finding of default by the Regional Administrator, Respondent must file a written answer to this Complaint with the Regional Hearing Clerk, Planning and Management Division (5MF-14), U.S. EPA Region V, 230 South Dearborn Street, Chicago, Illinois 60604, within thirty (30) days of receipt of this notice. A copy of your answer and any subsequent documents filed in this action should be sent to Janet R. Carlson, Assistant Regional Counsel (5CS-TUB-3), at the same address.

Failure to answer within thirty days of receipt of this Complaint may result in a finding by the Regional Administrator that the entire amount of penalty sought in the Complaint is due and payable and subject to interest and penalty

provisions contained in the Federal Claims Collection Act of 1966, 31 U.S.C. §§3701 et seq.

Your answer should clearly and directly admit, deny, or explain each of the factual allegations of which Respondent has knowledge. Said answer should contain: (1) a definite statement of the facts which constitute the grounds of defense; and (2) a concise statement of the facts which Respondent intends to place at issue in the hearing. The denial of any material fact, or the raising of any affirmative defense, shall be construed as a request for a hearing.

The Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22, are applicable to this administrative action. A copy of these Rules is enclosed with this Complaint.


SETTLEMENT CONFERENCE

Whether or not Respondent requests a hearing, Respondent may confer informally with U.S. EPA concerning: (1) whether the alleged violations in fact occurred as set forth above; (2) the appropriateness of the compliance schedule; and (3) the appropriateness of any proposed penalty in relation to the size of Respondent's business, the gravity of the violations, and the effect of the proposed penalty on Respondent's ability to continue in business.

Respondent may request an informal settlement conference at any time by contacting this office. Any such request, however, will not affect either the thirty-day time limit for responding to this Complaint or the thirty-day time limit for requesting a formal hearing on the violations alleged herein.

U.S. EPA encourages all parties to pursue the possibilities of settlement through informal conferences. A request for an informal conference should be made in writing to Mr. Daniel Bakk, RCRA Enforcement Branch (5HR-12), at the address cited above, or by calling him at (312) 886-3781.

Dated this 2nd day of August, 1989.


Basil G. Constantelos, Director
Waste Management Division
Complainant
U.S. Environmental Protection Agency
Region V

CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing Complaint to be served upon the person designated below, on the date below, by causing said copy to be deposited in the U.S. Mail, First Class and certified-return receipt requested, postage prepaid, at Chicago, Illinois, in envelopes addressed to:

Mr. James Tarpo
Registered Agent for
American Chemical Services, Inc.
P.O. Box 190
Griffith, Indiana 46319

I have further caused the original of the Complaint and this Certificate of Service to be served in the Office of the Regional Hearing Clerk located in the Planning and Management Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, on the date below.

This is said person's last known address to the subscriber.

Dated this 4th day of August, 1989.

Jean Sharp, Clerk
Jean Sharp, Office of RCRA
U.S. EPA, Region V

ATTACHMENT I
PENALTY SUMMARY

Regulation or Statute Applicable at Time of Violation 329 IAC	Corresponding Federal Regula- tion 40 CFR	Nature of Requirement and Date of Violation	Penalty Assessed
3-22-24(a)	265.147(a)	Failure to obtain and demonstrate liability coverage for sudden accidental occurrences arising from operations at Respondent's facility from 3/12/86 to present.	\$ 22,500
		Economic Benefit of above violation from 3/86 to 6/89	93,800
		Total	<hr/> \$116,300

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

INDIANAPOLIS

Dan Bakk
Rick Herse
EPAOFFICE MEMORANDUM

TO: American Chemical Service, Inc. RCRA File
IND 016360265, Griffith, Lake County

FROM: Ted Warner *TW*
Compliance Monitoring Section

SUBJECT: Trip Report for the Scheduled and Part B Evaluation
Inspection of March 31, 1989

DATE: May 11, 1989

THRU:

Bruce Kizer

5/18

RECEIVED
MAY 22 1989
OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V

On March 31, 1989, I conducted an unannounced scheduled inspection at American Chemical Service (ACS) located at 420 South Colfax Avenue, Griffith, Indiana. Messrs. Jim Tarpo, Jim Murphy, John Murphy and Steve Kulaviak represented the facility during my inspection.

I was accompanied by U.S. EPA Region V representatives Messrs. Dan Bakk and Rick Herse. The purpose of their visit was to conduct a state oversight inspection and familiarization with the facility.

Preinspection File Audit

My preinspection file audit revealed that ACS has filed a Part B permit application. ACS was sent a Part B Notice of Deficiency. ACS has submitted responses to their Notice of Deficiency and their submittals are pending review by our Plan Review and Permit Section.

ACS has submitted a closure plan for a solids mixing area which our office and U.S. EPA has identified as a hazardous waste pile which was not notified for under interim status. Our Plan Review and Permit Section issued an amended and approved closure plan for the waste pile. ACS has appealed the approved plan. Prehearing meetings are planned regarding the closure plan.

ACS has notified to manage (D001, F001, F002, F003, and F005) hazardous waste. The facility has no current waste approvals for landfilling. ACS process codes are S01, S02 and T04. The facility was last inspected on September 21, 1988. There has been past enforcement action at the facility but there are no unresolved actions.

Inspection Findings

ACS operations are basically the same as noted in several previous trip reports. ACS manufactures speciality organic chemicals recycles spent solvents and blends hazardous waste derived fuel.

The inspection reports contain the compliance evaluation audit information. I did note violations while I was at the site. The violations are as follows:

1. Violation of 329 IAC 3-38-2(a)(3) which references 329 IAC 3-34-4 (40 CFR 270.71). ACS's Part A application indicates container storage capacity of 16,500 gallons which is equal to 300 full 55-gallon containers.

While conducting the inspection of the container storage and process area, Mr. Jim Murphy and I counted 315 fifty-fifty (55)-gallon containers on the elevated concrete pad. Mr. Murphy opened 15 containers that had less than one-half of the capacity filled.

I also noted that there were four (4) covered highway trailers backed up to the process and storage area. I checked the label on one (1) of the containers in an open trailer. The label indicated manifest #IN038261 and F001 hazardous waste. During my record review I noted in the operating record that on March 28, 1989, a total of 31 fifty-five (55)-gallon containers equal to 1,705 gallons of F001 hazardous waste was delivered to ACS using the above-referenced manifest number.

This documented shipment of 31 fifty-five (55)-gallon containers and the additional drums in the three (3) other trailers places American Chemical Service over the notified amount of storage of hazardous waste in containers. Class I

This discrepancy was discussed with ACS staff and they have verbally indicated that they will amend their Part A application to include approximately 150 more containers and they will revise the closure plan to reflect that change.

2. Violation of 329 IAC 3-9-5(a)(3) (40 CFR 262.34). During the inspection of both hazardous waste unloading areas, the injection storage tanks location C, and crude storage tanks location B, I noted one (1) drum at each location which contained accumulated hazardous and no label or marking with the words "Hazardous Waste". Class I
3. Violation of 329 IAC 3-26-4(a)(2) and (3) (40 CFR 265.253(a)(2) and (3)). ACS operated a solids mixing area until approximately 1984, this area is being closed as a waste pile. The area does not have either a runoff or runoff control system. Class I

This violation will be resolved through the closure proceedings.

As an additional part of this inspection I was requested to "check out" the usage of a surface impoundment as a hazardous waste management unit by our Plan Review and Permit Section (see attached memorandum).

I observed and photographed the reference ACS "fire pond." The "fire pond" receives noncontact cooling water from a nonhazardous waste process for an additive production process, wastewater from a lard oil process and yard drainage. The "fire pond" has an overflow outlet to the municipal sewer.

At this time, I find no apparent evidence that the "fire pond" should be regulated as a hazardous surface impoundment.

Conclusions and Recommendations

As the result of this inspection and discussions with my working leader and enforcement section chief, I will prepare a Violation Letter for our staff's consideration.

TFW/bja

Attachment

cc: Mr. Dan Bakk, U.S. EPA, Region V ✓
Plan Review and Permit Section

4/12/89

Company Name: American Chemical Service, Inc.
Regulation Violated 329 IAC 3-22-24 (2)

Assessments for each violation should be determined on separate worksheets and totalled.

(If more space is needed, attach separate sheet.)

Part I - Seriousness of Violation Penalty

1. Potential for Harm: Major

2. Extent of Deviation: Major

3. Matrix Cell Range: \$25,000 to \$20,000

Penalty Amount Chosen: \$22,500 (midpoint)

Justification for Penalty Amount Chosen:

4. Per-Day Assessment: _____

Part II - Penalty Adjustments

	<u>Percentage Change*</u>	<u>Dollar Amount</u>
1. Good faith efforts to comply/lack of good faith:	_____	_____
2. Degree of willfulness and/or negligence:	_____	_____
3. History of noncompliance:	_____	_____
4. Other unique factors:	_____	_____
5. Justification for Adjustments:	_____	_____

* Percentage adjustments are applied to the dollar amount calculated on line 4, Part I.

6. Adjusted Per-day Penalty (Line 4, Part I + Lines 1-4, Part II):

\$ 22,500

7. Number of Days of Violation: _____

8. Multi-day Penalty (Number of days x Line 6, Part II):

9. Economic Benefit of Noncompliance:

Justification:

10. Total (Lines 8 + 9, Part II):

11. Ability to Pay Adjustment:

Justification for Adjustment:

12. Total Penalty Amount (must not exceed \$25,000 per day of violation):

~~\$22,500~~ \$93,000

\$ 116,300

\$ 319,000

\$ 116,300

\$ 319,000

RCRA PENALTY COMPUTATION - JUSTIFICATION

REGULATION(S) VIOLATED: 40 CFR 265.147 (a)

POTENTIAL FOR HARM CATEGORY: Major

ACS has failed to demonstrate financial responsibility under the liability requirements for the past three years, ^{which} ~~and as such~~ has caused a substantial adverse effect on the regulatory scheme. Without liability coverage for bodily injury and property damage to third parties, a sudden accidental occurrence arising from the ACS operations leaves third parties uncovered. The regulatory effort to protect the interests of third parties from sudden accidental occurrences is severely hampered.

EXTENT OF DEVIATION CATEGORY: Major

ACS did submit proof of liability coverage to IDEM on 10/28/82, 3/12/84 and 3/12/85. Their hazardous waste liability endorsement was cancelled on 3/12/86 and since that time ACS has been unable to establish the required financial responsibility through insurance or any other alternate mechanism. As a result, ACS is operating in substantial noncompliance.

PENALTY ASSESSED THIS VIOLATION: With the liability requirements

ATTACHMENT I
PENALTY SUMMARY

*See comments on
penalty sheet*

Regulation or Statute Applicable at Time of Violation 329 IAC	Corresponding Federal Regula- tion 40 CFR	Nature of Requirement and Date of Violation	Penalty Assessed
3-22-24(a)	265.147(a)	Failure to obtain and demonstrate liability coverage for sudden accidental occurrences arising from operations at Respondent's facility from 3/12/86 to present.	\$319,000 \$116,300
Total			\$319,000 \$116,300

THE ECONOMIC BENEFIT OF A 39 MONTH DELAY
AS OF THE PENALTY PAYMENT DATE, 39 MONTHS
AFTER THE INITIAL DATE OF NONCOMPLIANCE

\$ 93804

=====

-->-->-->--> THE ECONOMIC SAVINGS CALCULATION ABOVE <--<--<--<--<--
USED THE FOLLOWING VARIABLES:

USER SPECIFIED VALUES

1. CASE NAME=	ACS		
2. INITIAL CAPITAL INVESTMENT =		\$	0
3. ONE-TIME NONDEPRECIABLE EXPENDITURE =		\$	42500 1987 DOLLARS
(TAX DEDUCTIBLE EXPENSE)			
4. ANNUAL O&M EXPENSE=		\$	35000 1987 DOLLARS
5. FIRST MONTH OF NONCOMPLIANCE=			3, 1986
6. COMPLIANCE DATE=			6, 1989
7. PENALTY PAYMENT DATE=			6, 1980

PLEASE CHOOSE FORMAT:

- 1 = ANSWER
- 2 = ANSWER PLUS PRESENT VALUE CALCULATIONS
- 3 = FULL OUTPUT WITH CASH FLOW TABLES
- 4 = OMIT OUTPUT
- 5 = DESCRIBE OUTPUT OPTIONS IN DETAIL

POSITION PAPER ON BOTTOM LINE OF THIS PAGE,
THEN PRESS CARRIAGE RETURN

ACS

FEBRUARY23,1989

USEFUL LIFE OF POLLUTION CONTROL EQUIPMENT =	15 YEARS
9. MARGINAL INCOME TAX RATE FOR THE ON-TIME CASE =	50.00 %
10. MARGINAL INCOME TAX RATE FOR THE DELAY CASE =	38.50 %
11. ANNUAL INFLATION RATE=	3.40 %
12. DISCOUNT RATE =	17.50 %
13. AMOUNT OF LOW INTEREST FINANCING =	\$ 0

0 YOU WISH TO DO ANOTHER ECONOMIC SAVINGS CALCULATION?

0=NO; 1=YES, USING STANDARD VALUES; 2=YES, USING OWN INPUTS)

F YOUR OUTPUT HAS BEEN SAVED IN A FILE.

U WISH TO RECEIVE A PRINTED COPY OF THIS OUTPUT?

3. N=NO)

INDEX LOGGED OFF 02/23/89 AT 12:29:33

27:23 CONNECT TIME, 0:05.64 TCB, 0:00.41 SRB

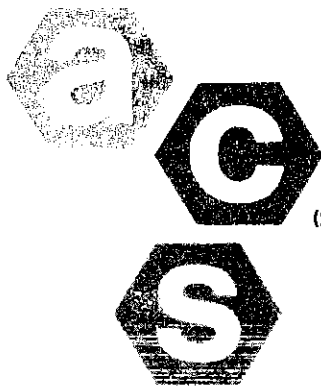
S: 115 DA,0 MT,812 TERM,0 OTHER,927 TOTAL

SL : \$4.11 CONNECT,--\$1.30 CPU, \$.42 EXCPS

3 TOTAL CHARGE FOR SESSION

64701 MUN LOGGED OFF TSO AT 12:29:48 ON FEBRUARY 23, 1989

**



American Chemical Service, Inc.

P.O. Box 190 • Griffith, Indiana 46319
(219) 924-4370 • Chicago Phone (312) 788-3400

RECEIVED
OCT 24 1989
OFFICE OF RCRA
WASTE MANAGEMENT DIVISION
EPA REGION V

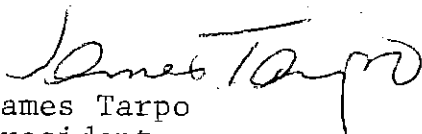
October 23, 1989

Ms. Gertrude Matuschkovits
Offsite Coordinator
US EPA Mail Code 5HR-12
2305 Dearborn
Chicago, IL 60604

Dear Ms. Matuschkovits,

American Chemical Service, Inc. requests that its name be removed from the list of facilities that may receive CERCLA wastes.

Yours very truly,


James Tarpo
President

JT/rl

KARAGANIS & WHITE LTD.

ATTORNEYS AT LAW

414 NORTH ORLEANS STREET-SUITE 810

CHICAGO, ILLINOIS 60610

(312) 836-1177

JOSEPH V. KARAGANIS
A. BRUCE WHITE
BARBARA ANNE MAGEL
ELLEN LOIS ZISOOK
JAMES D. BRUSSLAN

DANIEL SWARTZMAN
OF COUNSEL

October 20, 1989

FILE

Andrew Perellis
Coffield, Ungaretti, Harris
& Slavin
Suite 3500
Three First National Plaza
Chicago, Illinois 60602

received
10-25-89

Re: ACS Site and Post-1975 Releases

Dear Andy:

In reviewing the documents produced by American Chemical Services, Inc. in response to our Production Requests, I found the enclosed "Employee Warning Records". Each of these Warnings relates to a release or spill of some chemical (in one case waste fuel, in another phenols), in varying volumes. Each of these incidents occur after the artificial 1975 cut-off date for identification of PRPs which the Agency has created. I think it would be appropriate to put these instances on record to the Agency so that there is no question that new releases have occurred in recent years so that present customers and American Chemical itself are further implicated (if thats possible).

Very truly,


Barbara Magel

Enclosure

JUL 13 1989

5HR-12

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James Tarpo, President
American Chemical Service, Inc.
P.O. Box 190
Griffith, Indiana 46319

Re: Land Disposal Restrictions
American Chemical Service
IND 015 360 265

Dear Mr. Tarpo:

The United States Environmental Protection Agency has reviewed the March 31, 1989, Indiana Department of Environmental Management Land Disposal Restriction inspection report. It has been determined that your facility is in compliance with the Land Disposal Restriction requirements of the Resource Conservation and Recovery Act as amended.

If you have any questions regarding this matter, please contact Daniel Bakk of my staff at (312) 886-3781.

Sincerely yours,

Joseph M. Boyle, Chief
IL/IN Technical Enforcement Section

cc: Dennis Zawodni, IDEM

5HR-12:Bakk:lr:6/28/89#45
7/12/89:Sent to another address

	TYP.	AUTH.	IL/IN TECH. ENF. SEC.	MI/WI TECH. ENF. SEC.	OH/MN TECH. ENF. SEC.	IL/MI/WI ENF. PROG. SECTION	IN/MN/OH ENF. PROG. SECTION	RCRA ENF. BR. CHIEF	O. R. A.D.D.	WMD DIR
INIT. DATE	7/12/89	JMB for DP 7/12/89	JMB 7/12/89							

JUN 29 1989

5HR-12

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James Tarpo, President
American Chemical Service, Inc.
420 South Colfax Avenue
Griffith, Indiana 46319

Re: Land Disposal Restrictions
American Chemical Service
IND 016 360 265

Dear Mr. Tarpo:

The United States Environmental Protection Agency (U.S. EPA) has reviewed the March 31, 1989, Indiana Department of Environmental Management (IDEM) Land Disposal Restriction inspection report. It has been determined that your facility is in compliance with the Land Disposal Restriction requirements of the Resource Conservation and Recovery Act (RCRA) as amended.

If you have any questions regarding this matter, please contact Daniel Bakk of my staff at (312) 886-3781.

Sincerely yours,

Joseph M. Boyle, Chief
IL/IN Technical Enforcement Section

cc: Dennis Zawodni, IDEM

5HR-12:Bakk:lr:6/28/89#45

	TYP.	AUTH.	IL/IN TECH. ENF. SEC.	MI/WI TECH. ENF. SEC.	OH/MN TECH. ENF. SEC.	IL/MI/WI ENF. PROG. SECTION	IN/MN/OH ENF. PROG. SECTION	RCRA ENF. BR. CHIEF	O.R. A.D.D.	W/AD DIR
INIT. DATE	JTB 6/24/89	JTB 6/24/89	JTB 6/24/89							

5HR-12

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James Tarpo, President
American Chemical Service, Inc.
P.O. Box 190
Griffith, Indiana 46319

Re: Land Disposal Restrictions
American Chemical Service
IND 016 360 265

Dear Mr. Tarpo:

The United States Environmental Protection Agency has reviewed the September 29, 1989, Indiana Department of Environmental Management Land Disposal Restriction inspection report. It has been determined that your facility is in compliance with the Land Disposal Restriction requirements of the Resource Conservation and Recovery Act as amended.

If you have any questions regarding this matter, please contact Daniel Bakk
of my staff at (312) 886-3781.

Sincerely yours,

Joseph M. Boyle, Chief
IL/IN Technical Enforcement Section

cc: Dennis Zawodni, IDEM

5HR-12:DBakk:be:1/14/90:Filename:JTarpo.LDR

INIT. DATE	TRF.	AUTH.	CLERK TYPED EXT. 300	MAIL TYPED EXT. 300	CHIEF TYPED EXT. 300	ADMIN. TYPED EXT. 300	RECEIVED TYPED EXT. 300	C.R. ADD.	FILED
2/14/90	DB	AMP							



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NANCY A. MALOLEY, Commissioner

105 South Meridian Street
P.O. Box 6015
Indianapolis 46206-6015
Telephone 317-232-8603

January 30, 1989

RECEIVED
FEB 1 1989
OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V

Mr. John J. Murphy, Vice President
American Chemical Service, Inc.
420 South Colfax Avenue
P.O. Box 190
Griffith, Indiana 46319

Re: Hazardous Waste Management
Letter of Compliance
American Chemical Service, Inc.
EPA I.D. No. IND 016360265
Griffith, Lake County

Dear Mr. Murphy:

Based upon documents available to the Office of Solid and Hazardous Waste Management staff during a record review on December 22, 1988, it has been determined that American Chemical Service, Inc., has achieved compliance with the terms of the Warning Letter issued to your firm on October 20, 1988.

Thank you for your cooperation. If you have any questions concerning this matter, feel free to contact Mr. D. Bruce Kizer of the Office of Solid and Hazardous Waste Management at AC 317/232-4402.

Sincerely,

Bruce H. Palin

Bruce H. Palin
Acting Assistant Commissioner for
Solid and Hazardous Waste Management

DBK/jib

cc: Lake County Health Department
Ms. Sally K. Swanson, U.S. EPA, Region V ✓
Mr. Ted F. Warner

DEC 12 1988

Addition of American Chemical Service, Inc.
to the Land Disposal Facility List
IND 016 360 265

William E. Muno, Chief
RCRA Enforcement Branch

and

Karl E. Bremer
RCRA Permits B

Judy Stone, RPO for HWDMS
Information Management Section

American Chemical Service, Inc., Griffith, Indiana, IND 016 360 2
to be added to our Land Disposal Facility List. The Indiana Depa
of Environmental Management recently submitted documentation that
the existence of a waste pile at this facility. This facility ha
and tank storage areas subject to RCRA Standards in addition to
pile.

If you have any questions in regard to this matter, please cont
Bakk, RCRA Enforcement Branch, at 386-3781.

5HR-12:Bakk:lr:11/23/88:#25

RCRA PERMITS	SECRETARY	for
INIT. DATE	12-8-88	R11 12-8-88

INIT. DATE	TYP.	AUTH.	IL/IN TECH. ENF. SEC.	MI/WI TECH. ENF. SEC.	OH/MN TECH. ENF. SEC.	IL/MI/WI ENF. PROG. SECTION	IN/IN/ON ENF. PROG. SECTION	RCRA ENF. CR. CHIEF	O. F. A.D.
12/1/88	IR	DB	7/1/88					PCD 12-7-88	

for W.E.M.

J. Boyle

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

DATE: 06 DEC 1988

SUBJECT: Addition of American Chemical Service, Inc.
to the Land Disposal Facility List
IND 016 360 265

FROM:

Sally Swanson
William E. Muno, Chief
RCRA Enforcement Branch

and

Karl E. Bremer
Karl E. Bremer, Chief
RCRA Permits Branch

TO:

Judy Stone, RPO for HWDMS
Information Management Section

American Chemical Service, Inc., Griffith, Indiana, needs to be added to our Land Disposal Facility List. The Indiana Department of Environmental Management recently submitted documentation that indicates the existence of a waste pile at this facility. This facility has container and tank storage areas subject to RCRA Standards in addition to the waste pile.

If you have any questions in regard to this matter, please contact Daniel Bakk, RCRA Enforcement Branch, at 886-3781.

cc: Hak Cho, 5HR-13
B. Orenstein, 5HR-13

2



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NANCY A. MALOLEY, Commissioner

105 South Meridian Street
P.O. Box 6015
Indianapolis 46206-6015
Telephone 317-232-8603

October 21, 1987

Mr. James Tarpo
American Chemical Services, Inc.
P.O. Box 190
Griffith, Indiana 46319

Re: Letter of Compliance
Case Nos. (VL-021) and (V-205)
American Chemical Services, Inc.
EPA I.D. No. IND 016360265
Griffith, Lake County

Dear Mr. Tarpo:

Based upon documents available to the Office of Solid and Hazardous Waste Management staff during a record review on October 7, 1987, and an inspection conducted on September 15, 1987, it has been determined that American Chemical Services, Inc., has achieved compliance with the terms of the Violation Letter (VL-021) issued to your firm on June 5, 1987.

In regard to the Notice of Violation (V-205), the record review conducted also revealed that compliance has been achieved.

Thank you for your cooperation. If you have any questions concerning this matter, feel free to contact Mr. Michael E. Sickels of the Office of Solid and Hazardous Waste Management at AC 317/232-3406.

Sincerely,

Jane Magee
Assistant Commissioner for
Solid and Hazardous Waste Management

MES/rmw

cc: Mr. Ted F. Warner
Mr. Lewis R. Schoenberger
Lake County Health Department
Ms. Sally K. Swanson, U.S. EPA, Region V



American Chemical Service, Inc.

P.O. Box 190 • Griffith, Indiana 46319
(219) 924-4370 • Chicago Phone (312) 768-3400

RECEIVED
AUG 15 1988
OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V

August 10, 1988

Sally K. Swanson, Chief
IN/MN/OH Enforcement Program Section
United States Environmental Protection Agency
Region 5
230 South Dearborn St.
Chicago, IL 60604

Re: Notice of Violation
American Chemical Service
IND 016 360 265

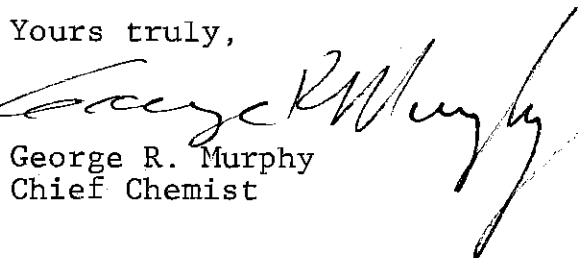
Dear Ms. Swanson,

This is a response to the Notice of Violation dated July 13, 1988.

American Chemical Service has revised the waste analysis plan to meet the requirements for land disposal restriction notifications.

Enclosed are copies of the revised waste analysis plan and the Land Disposal Restriction Notification that accompanies F-listed wastes receipts and shipments.

Yours truly,



George R. Murphy
Chief Chemist

GRW/rl

LAND DISPOSAL RESTRICTION NOTIFICATION

_____ hereby notifies

_____ that the waste described in
Manifest Number _____ contains F001 F002 F003, F005
 (circle codes) spent solvents listed below. These wastes are
 subject to the land disposal prohibition with prior treatment to
 standards contained in 40CFR Part 268.

40CFR Part 268
 Subpart D
 Treatment Standard
mg/liter CCWE

F001-F005
Spent Solvents

Waste
Contains

acetone	_____	0.59
N-butyl alcohol	_____	5.00
ethyl acetate	_____	0.75
isobutanol	_____	5.00
methanol	_____	0.75
methylene chloride	_____	0.96
methyl ethyl ketone	_____	0.75
methyl isobutyl ketone	_____	0.33
tetrachloroethylene	_____	0.05
toluene	_____	0.33
1,1,1-trichloroethane	_____	0.41
1,1,2-trichloro, 1,2,2-trifluoroethane	_____	0.96
trichloroethylene	_____	0.091
trichlorofluoromethane	_____	0.96
xylene	_____	0.15



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NANCY A. MALOLEY, Commissioner

105 South Meridian Street
P.O. Box 6015
Indianapolis 46206-6015
Telephone 317-232-8603

October 20, 1988

VIA CERTIFIED MAIL

P 101 736 539

OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION 7

RECEIVED
OCT 24 1988

Mr. James Tarpo
American Chemical Services
420 South Colfax Avenue
P.O. Box 190
Griffith, Indiana 46319

Re: Hazardous Waste Management
Warning Letter
Scheduled Inspection
American Chemical Services
IND 016360265
Griffith, Lake County

Dear Mr. Tarpo:

Representatives of the Department of Environmental Management (Department) are conducting inspections of facilities in Indiana that are engaged in the generation, transportation, treatment, storage, or disposal of hazardous waste. Facilities are being inspected to determine compliance with Indiana Code 13-7, the Indiana Environmental Management Act, and 329 IAC 3 (formerly 320 IAC 4.1), "Hazardous Waste Management Permit Program and Related Hazardous Waste Management Requirements." These inspections and record reviews are also being conducted pursuant to the requirements of the Resource Conservation and Recovery Act (RCRA), Public Law 94-580, as amended, for authorized state hazardous waste management programs.

This letter is to inform you that on September 21, 1988, an inspection of American Chemical Services, located at 420 South Colfax Avenue, Griffith, Indiana, was conducted by Mr. Douglas Bartz of the Office of Solid and Hazardous Waste Management (OSHW), of the Department. Messrs. James Murphy, John Murphy, and you represented your firm during this inspection. A copy of the inspection report is enclosed.

The following concerns pertaining to the operation of your facility were noted:

1. 329 IAC 3-16-7

The facility personnel training records do not include the job title, name of employee filling that title, and job description for Mr. James Murphy. Mr. Murphy was identified in the Contingency Plan as an Emergency Coordinator.

An Equal Opportunity Employer

Mr. James Tarpo

Page 2

October 20, 1988

American Chemical Services, within thirty (30) calendar days of receipt of this letter, shall achieve compliance with the following requirements:

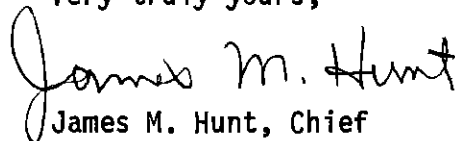
1. Amend the facility personnel training records to include job titles, names of employees filling those titles and job descriptions for all positions related to hazardous waste management.

Within thirty-five (35) days of receipt of this letter, submit to this office a letter stating the actions your company has taken to achieve compliance.

Failure to respond adequately to this Warning Letter will result in a Violation Letter being issued.

Please direct your response to this letter and any questions to Mr. Douglas Bartz of the Office of Solid and Hazardous Waste Management, of the Department, AC 317/232-3411.

Very truly yours,



James M. Hunt, Chief
Compliance Monitoring Section
Hazardous Waste Management Branch
Solid and Hazardous Waste Management

DMB/rmw

Enclosure

cc: Lake County Health Department

Ms. Sally K. Swanson, U.S. EPA, Region V ✓

Mr. Ted Warner

Ms. Debra Dubenetzky



American Chemical Service, Inc.

P.O. Box 190 • Griffith, Indiana 46319
(219) 924-4370 • Chicago Phone (312) 768-3400

Nov 9 8 56 AM '87

OFFICE OF SOLID
AND HAZARDOUS
WASTE MGMT
DCH

IA

November 4, 1987

Thomas L. Russell
Indiana Department of
Environmental Management
105 South Meridian St
P.O. Box 6015
Indianapolis, IN 46206-6015

Dear Mr. Russell

We wish to advise you that our facility is available to receive CERCLA wastes. Please schedule us for the six-month inspections.

Yours very truly,


James Tarpo

JT/r1



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NANCY A. MALOLEY, Commissioner

105 South Meridian Street
P.O. Box 6015
Indianapolis 46206-6015
Telephone 317-232-8603

October 30, 1987

Mr. James Tarpo
American Chemical Services
P.O. Box 190
Griffith, Indiana 46319

Re: Facilities Receiving CERCLA Wastes

Dear Mr. Tarpo:

The U.S. Environmental Protection Agency (U.S. EPA) has listed your facility as a potential candidate to receive wastes from CERCLA (SUPERFUND) clean-up sites.

The Superfund Amendment and Reauthorization Act of 1986 (SARA) requires that facilities receiving CERCLA wastes be operating in substantial compliance with Sections 3004 and 3005 (facility standards and permits) of the Resource Conservation and Recovery Act (RCRA). The "CERCLA Off-site Policy" adopted by the U.S. EPA requires that these facilities be inspected within six months prior to receiving CERCLA wastes to verify compliance with the standards.

We are requesting that you advise us as to whether your facility is available to receive CERCLA wastes. If your facility is not interested in receiving such wastes, please verify by providing written certification to this office within fifteen (15) days of receipt of this letter. If you do not provide the requested certification within fifteen (15) days, we will assume that you are interested in receiving CERCLA wastes and will schedule your facility for an inspection during each six-month period.

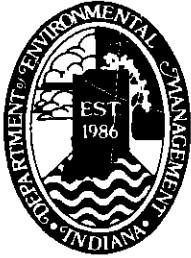
We would appreciate your cooperation in clarifying your facility's status with respect to this issue. If you have any questions, please contact Mr. James Hunt of this office at AC 317/232-4535.

Very truly yours,

Thomas L. Russell, Chief
Hazardous Waste Management Branch
Solid and Hazardous Waste Management

JMH/tjd

cc: Mr. Bernie Orenstein, U.S. EPA, Region V
Lake County Health Department



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NANCY A. MALOLEY, Commissioner

105 South Meridian Street
P.O. Box 6015
Indianapolis 46206-6015
Telephone 317-232-8603

OCT 21 1987

Mr. James Tarpo
American Chemical Services, Inc.
P.O. Box 190
Griffith, Indiana 46319

Re: Letter of Compliance
Case Nos. (VL-021) and (V-205)
American Chemical Services, Inc.
EPA I.D. No. IND 016360265
Griffith, Lake County

Dear Mr. Tarpo:

Based upon documents available to the Office of Solid and Hazardous Waste Management staff during a record review on October 7, 1987, and an inspection conducted on September 15, 1987, it has been determined that American Chemical Services, Inc., has achieved compliance with the terms of the Violation Letter (VL-021) issued to your firm on June 5, 1987.

In regard to the Notice of Violation (V-205), the record review conducted also revealed that compliance has been achieved.

Thank you for your cooperation. If you have any questions concerning this matter, feel free to contact Mr. Michael E. Sickels of the Office of Solid and Hazardous Waste Management at AC 317/232-3406.

Sincerely,

Jane Magee
Assistant Commissioner for
Solid and Hazardous Waste Management

MES/rmw

cc: Mr. Ted F. Warner
Mr. Lewis R. Schoenberger
Lake County Health Department
Ms. Sally K. Swanson, U.S. EPA, Region V

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

INDIANAPOLIS

OFFICE MEMORANDUM

DATE: October 9, 1987

TO: American Chemical Services, Inc., RCRA File THRU: John R. Hayworth *10/13/87*
IND 016360265, Griffith, Lake County

FROM: Michael E. Sickels *MES*,
Enforcement Section *10/9/87*

SUBJECT: Trip Report for the Enforcement Follow-up
Inspection of September 15, 1987

On September 15, 1987, I conducted an inspection of the above facility to determine if field-observed Class I violations of 320 IAC 4.1 had been returned to compliance. The following violations to be checked were cited in a Violation Letter (VL-021) issued on June 5, 1987:

1. Hazardous waste containers were not stored closed.
2. Inadequate aisle space in the container storage area.

The facility was represented by Mr. James Tarpo, President of American Chemical Services, Inc. (ACS, Inc.), who provided a tour of the facility. Observation of the container storage area revealed that all containers were stored closed, and adequate aisle space was provided.

Based on this inspection, ACS, Inc., has achieved compliance with the Violation Letter (VL-021). A Letter of Compliance will be issued.

MES/rmw

cc: Mr. Ted F. Warner
Mr. Lewis R. Schoenberger



American Chemical Service, Inc.

P.O. Box 190 • Griffith, Indiana 46339
(219) 924-4370 • Chicago Phone (312) 768-3400

IB2
Lake Co.

JUL 13 2 47 PM '87

OFFICE OF SOLID
AND HAZARDOUS
WASTE MGMT
DEN

July 10, 1987

Mr. Michael E. Sickels, R.P.S.
Office of Solid and Hazardous Waste Management
Indiana Dept. of Environmental Mgt.
P.O. Box 6015
Indianapolis, IN 46206-6015

Re: Response from American
Chemical Service, Inc.
IND 016360265
in regards to Violation
Letter (VL-012) and Notice
of Violation (V-205)

Dear Mr. Sickels:

In the same sequential order as the requirements were presented in the Violation Letter (VL-012) dated June 5, 1987, the following actions were taken by American Chemical Service, Inc. to achieve compliance:

- 1.) Fuels derived from listed hazardous waste must be manifested with listed hazardous waste codes. Hazardous waste derived fuel manifests indicate the required listed hazardous waste codes. Compliance was achieved on June 11, 1987.
- 2.) Submit a completed and corrected copy of the manifests. Enclosed are the copies of the corrected hazardous waste derived fuel manifests.
- 3.) Include a description of the nature of any remedial actions on the inspection log. Compliance was achieved on February 5, 1987 by making an additional entry to the Maintenance Action Sheet describing the corrective action.
- 4.) Provide immediate access to internal alarm systems at the container storage area. Compliance was achieved on July 1, 1987 with the implementation of the Emergency Belt Program.
- 5.) Close all containers during storage. All the employees of American Chemical Service, Inc. have been advised that containers shall be closed at all times except when adding or removing hazardous waste. Compliance

- was achieved on July 1, 1987. Enclosed is a copy of the company policy.
- 6.) Provide enough aisle space for the unobstructed movement of personnel and emergency equipment. Compliance was achieved by relocating the containers storing material with no free liquid to the area labeled Solids Container Storage Area shown on the enclosed revised map. The map is a section of Drawing S3 of 4 from the American Chemical Service, Inc. Part B Application dated July 1, 1986. Sufficient aisle space was achieved on May 13, 1987.

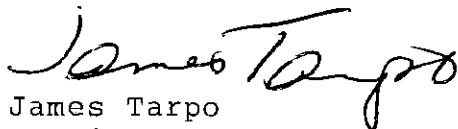
In regards to the questions concerning the Notice of Violation (V-205) dated September 24, 1985 dealing with Cadence 312, American Chemical Service, Inc. (ACS) offers the following information:

- 1.) The amended ACS Part A, dated August 14, 1985, in your possession on the date of the N.O.V. contained all of the process codes and quantities. The map attached to the Part A, dated November 18, 1980 indicated all the storage and treatment areas.
- 2.) The ACS Part B, in your possession at that time, included a closure plan that addressed the Cadence 312 blending and storage tanks.

ACS had always considered the production and storage of Cadence 312 as a hazardous waste activity until the final product specifications were achieved. The product was not regulated until December, 1985 and at the proper time ACS complied with the provisions regulating it's shipment.

However, the questions you raise as they generally apply to hazardous waste derived fuel, require ACS to amend it's Part A and Part B permit applications. ACS has done this under a separate cover letter directed to the Plan Review and Permit Section of the IDEM. A copy of the letter is enclosed.

Very truly yours,



James Tarpo
President
American Chemical Service, Inc.



American Chemical Service, Inc.

P.O. Box 190 • Griffith, Indiana 46319
(219) 924-4370 • Chicago Phone (312) 768-3400



DATE: JULY 1, 1987
To: ALL ACS PLANT PERSONNEL
TOPIC: CONTAINERS STORING HAZARDOUS WASTE

AMERICAN CHEMICAL SERVICE HAS RECEIVED A NOTICE OF VIOLATION FROM THE INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT FOR NOT HAVING HAZARDOUS WASTE CONTAINERS CLOSED DURING STORAGE. CONTAINERS (DRUMS AND 5 GALLON PAILS) MUST BE CLOSED (BUNGS IN DRUMS AND LIDS ON PAILS) EXCEPT WHEN ADDING OR REMOVING HAZARDOUS WASTE.

PLEASE ACKNOWLEDGE YOUR UNDERSTANDING OF THIS POLICY BY SIGNING THE ATTACHED SHEET.

THE MANAGEMENT OF ACS

SEMI-TRAILER
DRUM UNLOAD
AREA

BUFFER
PROPER

DRUM UNLOAD
PUMP - 90 GPM
& STRAINER
SUMP BASIN W/GRATE
TOP - 100 GALS.

LOCATION A
DRUM UNLOADING DOCK

BUFFER 500' TO PROPERTY LINE

CONTAINER STORAGE AREA (CONTAINMENT AREA)

WASTE STORED IN THE CONTAINER
STORAGE AREA: D001, F001, F002,
F003 AND F005. MAXIMUM STACK
2 SKIDS HIGH. MAXIMUM QUANTITY 200.

WASTE STORED IN THE SOLIDS CONTAINER
STORAGE AREA: D001. MAXIMUM STACK
2 SKIDS HIGH. MAXIMUM QUANTITY 200.

PROPERTY LINE

BUFFER 285' TO COLFAX AVE

OUTSIDE WAREHOUSE DOCK

SOLIDS CONTAINER
STORAGE AREA

RAMP

PROCESSING AREA

DRUM HOSE

100'

100'

47'

Cappiello



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NANCY A. MALOLEY, Commissioner

105 South Meridian Street
P.O. Box 6015
Indianapolis 46206-6015
Telephone 317-232-8603

June 19, 1987

Mr. John J. Murphy
Vice President
American Chemical Service, Inc.
P.O. Box 190
Griffith, IN 46319

Re: Response to Notice of Deficiency

Dear Mr. Murphy:

This is the response to your May 14, 1987, letter. In this letter, you requested that we reclassify the Solids Mixing Area, that you are closing, from a waste pile to a tank.

Based on the definitions of a "Tank" and a "Pile" in 320 IAC 4.1-1-7 and taking into account the explanation of your mixing procedures, staff has determined that the solid mixing area must be classified as a waste pile.

A flat, three-sided area, can not "contain" waste sufficiently to be defined as a tank. The use of sand to make up the fourth wall, directly contradicts the "non-earthern" tank definition requirement. On the other hand, everything you have mentioned on what was done in this area, from being a "non-containerized accumulation" to being used for "treatment" of hazardous waste is in line with the definition of a pile.

We appreciate a letter such as yours, where you openly express your concerns and ideas. Unfortunately, in this instance, our original determination must stand. Please respond to the original Notice of Deficiency, dated April 15, 1987, within 30 days of the date of this letter.

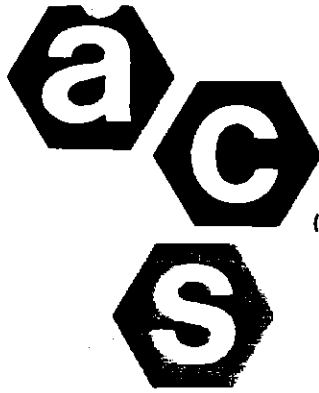
If you have further questions or concerns please call Mr. Bob Cappiello of my staff at AC 317/232-3221.

Very truly yours,

Terry F. Gray

Terry F. Gray, Chief
Plan Review and Permit Section
Hazardous Waste Management Branch
Solid and Hazardous Waste Management

RJC/ram



American Chemical Service, Inc.

P.O. Box 190 • Griffith, Indiana 46019
(219) 924-4370 • Chicago Phone (312) 768-3400

Cappello

May 18 8 39 AM '87

OFFICE OF SOLID
AND HAZARDOUS
WASTE MGMT
DEM

May 14, 1987

Mr. Terry F. Gray, Chief
Plan Review and Permit Section
Hazardous Waste Management Branch
Solid and Hazardous Waste Management
P.O. Box 6015
Indianapolis, IN 46206-6015

Re: Notice of Deficiency
Closure Plan Review April 15, 1987
American Chemical Service, Inc.
IND 016360265

Dear Mr. Gray:

In response to your Notice of Deficiency (NOD) dated April 15, 1987, American Chemical Service, Inc. (ACS) believes that the Former Solids Mixing Area would be more correctly classified as a tank rather than a waste pile. The basis for this assertion is contained in an explanation of the solids treatment activities conducted utilizing the Former Solids Mixing Area.

Between March 1982 and November 1983 non-listed ignitable solids (D001) were collected in the ACS Drum Containment Area. The solids were stored in 1½ yard closed top lift truck hoppers in the Drum Containment Area. When approximately 9 yards of solids were collected and weather permitting all the solids were treated in the Former Solids Mixing Area and shipped on the same day. The solids were mixed with sand at a ratio of 4 sand to 1 solids to render the mixture non-hazardous. The mixture was then loaded into semi-trailers and shipped to the landfill.

The Former Solids Mixing Area is a stationary structure constructed on a concrete base 20' wide by 50' long and 12" thick. The mixing area measures 20' x 15' with 36" high walls (12" thick) on three sides. The loading area measures 20' x 24' with 2 walls constructed of 3' by 2' and 3' high concrete blocks. The two areas have a common concrete wall 36" high, 20' long and 12" thick.

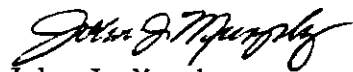
The procedure for treating the solids began with the preparation of the mixing area. The base of the mixing area was covered with approximately 12" of sand. The open end of the area was closed to contain the solids with a 30" high sand wall. The solids from a hopper were dumped into the mixing area with a fork truck. Sand was placed on top of the solids and mixed with a backhoe. When thoroughly mixed, the mixture was transferred to the loading area. Then 15 yards of the mixture was loaded into a semi-trailer and transported. All the collected solids were mixed and loaded during a 6 hour period and no accumulation of the mixture was left stored in the loading area. Based on the definition of a tank versus a waste pile and the above explanation, ACS believes it more appropriate to close the Former

Solids Mixing Area as a tank rather than a waste pile. If this request is acceptable to the department, ACS will respond with a schedule for amending the present closure plan taking into account the General Closure Deficiencies outlined in the April 15, 1987 NOD.

Also enclosed is the March 16, 1987 60 day status report on the ACS efforts to secure Environmental Impairment Liability Insurance.

If you have any questions, please contact me at ACS 219/924-3144.

Very truly yours,



John J. Murphy
Vice President
American Chemical Service, Inc.

JJM/r1

1E

June 16, 1987

VIA CERTIFIED MAIL P 395 652 409

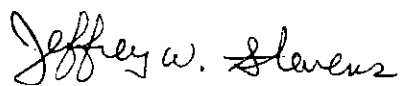
Mr. James Tarpo, President
American Chemical Services, Inc.
P.O. Box 190
Griffith, IN 46319

Re: Letter of Warning
IND 016360265

Dear Mr. Tarpo:

Please be advised that according to U.S. EPA mandate, this Office can no longer exercise enforcement discretion by accepting a "good faith effort" standard in lieu of the liability coverage required by 320 IAC 4.1-22-24. Therefore, failure to bring this facility into compliance with 320 IAC 4.1-22-24 by August 17, 1987, will result in the referral of this matter to the Enforcement Section. If you have any questions regarding this matter, please contact me at AC 317/232-8901.

Very truly yours,



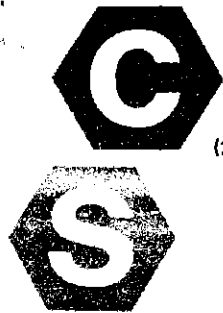
Jeffrey W. Stevens
Legal Analyst
Solid and Hazardous Waste Management

JWS/rmw

Enclosure

cc: Ms. Sally Swanson, U.S. EPA, Region V
Mr. Bernie Orenstein, U.S. EPA, Region V

2530D rmw 6/15/87



American Chemical Service, Inc.

P.O. Box 190 • Griffith, Indiana 46319
(219) 924-4370 • Chicago Phone (312) 768-3400

DATE: 16 June 1987

PERSONNEL: All ACS Plant Employees Involved in Hazardous Waste Operations.

TOPIC: The Emergency Belt.

The following plant personnel will be subject to the new Emergency Belt Procedure:

- A. Reclaim Operators
- B. Injectant Loaders
- C. Injectant Unloaders
- D. Reclaim Crude Unloaders
- E. Hazardous Waste Drum Handlers
- F. Miscellaneous Remote Hazardous Waste Activities

At least one employee performing any of the above operations at a designated work site will be wearing an emergency belt. The emergency belt will be equipped with the following items in a functional status:

- A. Belt
- B. Pall III - Personal Alert Safety System and carrying case
- C. Eye dressing packet with Eye Flush in carrying case.
- D. 1200 Series Respirator with R-21 Cartridges (Organic Vapors) in a plastic bag and unit carrying case.

The operation of each item will be demonstrated:

- A. Belt:
 - 1.) Usage: Self explanatory
 - 2.) Inspection:
 - a.) Cracking
 - b.) Excess wearing
 - c.) Buckle operation
 - d.) Excess strap holder
 - 3.) Operation: Self explanatory
- B. PAL III:
 - 1.) Usage: To signal an emergency situation.
This device will substitute for the

Dial 7 Com Line emergency signal
in remote locations.

- 2.) Inspection:
 - a.) Push down and turn the switch to "auto".
A blinking light will indicate a good battery.
 - b.) Push down and turn the switch to "on".
The unit will immediately begin to signal.
Push down and turn the switch to off.
 - c.) Inspect the case for signs of damage.
- 3.) Operations: If an emergency situation occurs
in a remote location and a Com Line
phone is not immediately accessible,
signal for assistance by using the
PAL III. Open the case and push
down and turn the switch to the "on"
position. Remain in the area to
provide information and assistance.

C. Eye dressing packet with Eye Flush:

- 1.) Usage: This is a temporary eye flush for acc-
idental splashing.
- 2.) Inspection:
 - a.) Check case for the contents:
 - i.) 1 ounce Eye Flush liquid (unopened)
 - ii.) 2 pads and adhesive strips
 - b.) Inspect the case for signs of damage
- 3.) Operation: If an accidental splash should cause
foreign material to go into the eye,
take the following action:
 - a.) Open case and remove eye flush.
 - b.) Tilt head back and wash out the
eye(s) using the entire bottle.
 - c.) Secure the area (Turn off pump,
close valves, etc.)
 - d.) If unable to perform, activate
the PAL III and await assistance.
 - e.) As soon as possible or with
assistance, proceed to emergency
shower and deluge.
 - f.) Follow "Plant Personal Injury
Response" program.
 - g.) Replace the used material in
the package.

D. 1200 Series Respirator with R-21 Cartridge:

- 1.) Usage: To provide protection against respiratory
hazards from organic vapors.
- 2.) Inspection:
 - a.) Check for damage:
 - i.) Facepiece
 - ii.) Headbands
 - iii.) Inhalation valve
 - iv.) Exhalation valve
 - v.) Exhalation valve seat and cover
 - vi.) Cartridge holders
 - vii.) Gaskets

- b.) Check for fit of the headband.
 - c.) Check for the proper Cartridge (R-21 - Organic Vapors)
 - d.) Replace and seal in the plastic bag.
- 3.) Operation: If involved in a situation in which vapors are at an elevated concentration and your assistance is required in the area, use the respirator and follow these steps:
- a.) This respirator does not supply oxygen. Do not use in atmosphere containing less than 19.5% oxygen by volume.
 - b.) Do not use when concentrations of contaminants are unknown or are immediately dangerous to life or health.
 - c.) Do not use in poorly ventilated areas, or confined spaces such as tanks or small rooms unless adequate ventilation is provided.
 - d.) Leave the area immediately if:
 - i.) Breathing becomes difficult.
 - ii.) You smell or taste the contaminant or if your senses indicate any abnormal conditions.
 - iii.) Dizziness or other distress occurs.
 - iv.) The respirator becomes damaged.
 - e.) Never alter or modify the respirator.
 - f.) The assembled respirator may not provide a satisfactory facial seal with certain physical characteristics such as a beard or gross sideburns which may result in leakage around the facepiece seal, which voids or limits protection. If such a condition exists, the user assumes all risks of bodily injury which may possibly result. All operators should take the time to fit check the respirator. Waiting until an emergency situation is too late.
 - g.) Facial or barrier creams must not be used when wearing the respirator.
 - h.) Remove the respirator from the plastic bag.
 - i.) Make sure the cartridges are properly seated.
 - j.) Position the respirator on the face with the narrow end over the nose. Place the chin in the chin cup. Place the headstrap (one on the neck and one on the crown of the head). Tighten headstraps by pulling firmly on the loops on both sides of the mask. Adjust headbands until a tight but comfortable fit is obtained.

- k.) Positive pressure fit each time the respirator is donned. Place the palm of your hand or thumb over the hole in the exhalation valve cover and exhale gently to cause a slight positive pressure inside the facepiece. If the facepiece bulges slightly and no air leaks between the face and the facepiece are detected, a proper fit has been obtained. If air leakage is detected, reposition the respirator on the face and/or readjust the tension of the headbands to eliminate the leakage.
CAUTION: If you cannot achieve a proper fit, do not enter the contaminated areas.
- l.) Cartridge should be replaced when breathing becomes difficult. Remove all old cartridges and dispose of properly. Cartridges should also be replaced when the wearer detects any taste, odor or irritation, or their senses indicate any abnormal condition.
- m.) When the need for the respirator passes or the operator moves from the contaminated area, remove the respirator by loosening the headstraps by pushing the headband clip away from the face and gently pulling the headstraps.
- n.) After the respirator is removed, clean the respirator by spraying disinfectant in the mask and wiping clean. Inspect the respirator for damage and if ok, replace in the plastic bag. Faulty respirators must be replaced immediately.

The above outlined procedure has been developed to protect the safety and health of all plant employees involved in hazardous waste operations. Please take the time to understand these procedures and to precheck the equipment. All inspections should be conducted at the start of each operators turn. If any questions should arise, direct them to the Plant Safety and Health Officer. Your cooperation concerning the implementation of this program will be expected.

ACS Safety Committee



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NANCY A. MALOLEY, Commissioner

105 South Meridian Street

P.O. Box 6015

Indianapolis 46206-6015

Telephone 317-232-8603

Ms. Barbara Magel
Karaganis & White, Ltd.
414 North Orleans Street
Chicago, IL 60610

June 15, 1987

Re: Information Request
American Chemical Services

Dear Ms. Magel:

This is in response to your letter dated May 26, 1987, in which you requested copies of all inspection reports, administrative orders, memorandums, and other correspondence for both RCRA and CERCLA involvement of several facilities located in Indiana.

Unfortunately, the staff time and expense in copying and sending these materials to you would be considerable and cannot be allowed. However, these documents are in the public files where you can review them and obtain copies of whatever you wish. The file room is open from 8:15 a.m. to 4:30 p.m. each working day, and copies can be obtained at a cost of 15 cents per page, as required by Indiana statutes. The files you are interested in are located on the ninth floor of the Indiana Department of Environmental Management offices in the Chesapeake Building, 105 South Meridian Street, in Indianapolis, Indiana.

Please contact me if you have any questions regarding this matter at AC 317/232-3408.

Very truly yours,

Thomas L. Russell, Chief
Enforcement Section
Hazardous Waste Management Branch
Solid and Hazardous Waste Management

TLR/drc



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NANCY A. MALOLEY, Commissioner

105 South Meridian Street
P.O. Box 6015
Indianapolis 46206-6015
Telephone 317-232-8603

VIA CERTIFIED MAIL

JUN 05 1987

Mr. James Tarpo
American Chemical Services
P.O. Box 190
Griffith, IN 46319

Re: Hazardous Waste Management
Compliance Inspection
American Chemical Services
IND 016360265
Violation Letter (VL-012) and
Notice of Inadequacy (V-205)

Dear Mr. Tarpo:

Representatives of the Department of Environmental Management (Department) are conducting inspections of facilities in Indiana that are engaged in the generation, transportation, treatment, storage, or disposal of hazardous waste. Facilities are being inspected to determine compliance with Indiana Code, IC 13-7, the Environmental Management Act, and Indiana Administrative Code, 320 IAC 4.1, "Hazardous Waste Management Permit Program and Related Hazardous Waste Management Requirements." These inspections and record reviews are also being conducted pursuant to the requirements of the Resource Conservation and Recovery Act (RCRA), Public Law 94-580, as amended, for authorized state hazardous waste management programs.

This notice is to inform you that on February 2, 1987, and April 15, 1987, inspections of American Chemical Services, P.O. Box 190, Griffith, Indiana, were conducted by Mr. Lewis R. Schoenberger of the Office of Solid and Hazardous Waste Management, of the Department. You represented your firm at these inspections.

The following violations of RCRA and 320 IAC 4.1 pertaining to the operation of your facility were noted:

1. 320 IAC 4.1-7-2 Generator has improperly determined F003 and F005 hazardous waste to be D001 hazardous waste.
2. 320 IAC 4.1-8-2 Manifests do not contain a unique five-digit manifest document number.

3. 320 IAC 4.1-8-2 Manifests do not contain the proper shipping name, hazard class, and identification number of the waste(s) as required by the U.S. Department of Transportation in 49 CFR 172.101, 172.202, and 172.203.
4. 320 IAC 4.1-16-6 The inspection log does not contain a description of repairs or remedial actions.
5. 320 IAC 4.1-17-5 Immediate access to internal alarm systems at the container storage area was not provided.
6. 320 IAC 4.1-23-4 Containers are not stored closed. Three 55-gallon drums of hazardous waste were stored open.
7. 320 IAC 4.1-17-6 Lack of adequate aisle space for the unobstructed movement of personnel and emergency equipment.

American Chemical Services, within thirty (30) calendar days of receipt of this notice, shall achieve compliance with the following requirements:

1. Fuels derived from listed hazardous wastes must be manifested with listed hazardous waste codes.
2. Submit a completed, corrected copy of the manifests.
3. Include a description of the nature of any remedial actions on the inspection log.
4. Provide immediate access to internal alarm systems at the container storage area.
5. Close all containers during storage.
6. Provide enough aisle space for the unobstructed movement of personnel and emergency equipment.

In regard to the Notice of Violation (V-205) issued September 24, 1985, and subsequent correspondence of January 30, 1986, and of March 6, 1986 (compliance date change), the following information is requested:

1. Are all container storage and handling areas used in processing hazardous waste fuel shown on the present Part A map and included in the Part A process codes and quantities?

Mr. James Tarpo
Page 3

2. Are all the storage and treatment tanks used in processing hazardous waste fuel shown on the present Part A map and included in the Part A process codes and quantities?
3. Does your present closure plan address all areas used to process hazardous waste fuel, including storage prior to shipment?

Your company shall submit to this office, within thirty-five (35) calendar days of receipt of this letter, a written detailed explanation of the steps taken to achieve compliance. The letter shall state the date compliance was achieved.

Failure to respond adequately to this Violation Letter and verify a return to compliance at this facility will result in escalated enforcement action.

Please direct your response to this notice and any questions to Mr. Michael E. Sickels, R.P.S., of the Office of Solid and Hazardous Waste Management, Department of Environmental Management, at AC 317/232-3406.

Very truly yours,

Bruce H. Palin for

David D. Lamm
Assistant Commissioner for
Solid and Hazardous Waste Management

MES/rmw
cc: Lake County Health Department
Ms. Sally K. Swanson, U.S. EPA, Region V
Mr. Lewis R. Schoenberger



STATE OF ARKANSAS
Department of Pollution Control and Ecology
P. O. Box 9583 Little Rock, Arkansas 72219
Telephone 501-562-7444

Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved. OMB No. 2050-0039. Expires 9-30-88

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. I N D 0 1 6 3 6 0 2 6 5 1		Manifest Document No. 0 1 8 3		2. Page 1 of 6		Information in the shaded areas is not required by Federal law.		
3. Generator's Name and Mailing Address American Chemical Service 420 S. Colfax Avenue Griffith, Indiana 46319 (219)924-4370					A. State Manifest Document Number AR-104886					
4. Generator's Phone ()					B. State Generator's ID					
5. Transporter 1 Company Name EJE Railroad					6. US EPA ID Number I N D 0 0 0 7 8 0 2 6 2					
7. Transporter 2 Company Name Burlington Northern RR					8. US EPA ID Number M N D 0 4 8 3 4 1 7 8 8					
9. Designated Facility Name and Site Address Ash Grove Cement Company Hwy 108 West Foreman, Arkansas					10. US EPA ID Number A R D 9 8 1 5 1 2 2 7 0					
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)					12. Containers No. Type		13. Total Quantity		14. Unit Wt/Vol	
a. WASTE FLAMMABLE LIQUID NOS UN 1993 FLAMMABLE LIQUID					1 1 T C		20101		G	
b.									F001 F002 F003 F005 D001	
c.										
d.										
J. Additional Descriptions for Materials Listed Above CHEM-FUEL BLEND SAMPLE# B-3752 LAB REPORT# TEI #6627					K. Handling Codes for Wastes Listed Above IN CASE OF EMERGENCY CONTACT: JAMES MURPHY 219/924-4370					
if no alternate TSDF, return to generator										
15. Special Handling Instructions and Additional Information RAIL CAR# 6000 98502 RAIL CAR MUST BE WEIGHED T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER					EMERGENCY SPILL CLEAN UP CALL: CHEM TREC 1-800-424-9300					
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and Arkansas state regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.										
Printed/Typed Name THOMAS J. MURPHY					Signature Thomas J. Murphy		Month Day Year 10/6/01/87			
17. Transporter 1 Acknowledgement of Receipt of Materials Printed/Typed Name Amy Lockhart					Signature Amy Lockhart		Month Day Year 10/6/01/87			
18. Transporter 2 Acknowledgement of Receipt of Materials Printed/Typed Name Richard					Signature Richard		Month Day Year 6/1/01/87			
19. Discrepancy Indication Space										
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19. Printed/Typed Name Frank McDonald										

EPA Form 8700-22 (Rev. 4-85) Previous edition is obsolete.

NOTICE: THE ORIGINAL AND NOT LESS THAN TWO (2) COPIES MUST REMAIN WITH THE HAZARDOUS WASTE SUBMITTER. ONCE DELIVERED, THE TREATMENT/STORAGE/DISPOSAL FACILITY MUST RETURN THIS ORIGINAL COPY TO THE GENERATOR.



Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved. OMB No. 2050-0039. Expires 9-30-8.

**UNIFORM HAZARDOUS
WASTE MANIFEST**

1. Generator's US EPA ID No. IND01636026510182
Manifest Document No. 0182

2. Page 1
of 6

Information in the shaded areas is not
required by Federal law.

3. Generator's Name and Mailing Address
American Chemical Service
420 S. Colfax Avenue
Griffith, Indiana 46319 (219)924-4370

A. State Manifest Document Number

AR-104885

B. State Generator's ID

5. Transporter 1 Company Name

EJE Railroad

6. US EPA ID Number

IND0000780262

C. State Transporter's ID

D. Transporter's Phone **815-760-6475**

7. Transporter 2 Company Name

Burlington Northern RR

8. US EPA ID Number

MND048341788

E. State Transporter's ID **H73PC772**

F. Transporter's Phone **800-342-5123**

9. Designated Facility Name and Site Address

Ash Grove Cement Company
HWY 108 West
Foreman, Arkansas

10. US EPA ID Number

ARD981512270

G. State Facility's ID

H. Facility's Phone **501-542-6217**

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

a. **WASTE FLAMMABLE LIQUID NOS UN 1993**
FLAMMABLE LIQUID

12. Containers
No. Type

1 TC

13. Total
Quantity

19843

14. Unit
Wt/Vol

G

1. Waste No.

F001 F002
F003 F004
D001

J. Additional Descriptions for Materials Listed Above

CHEM-FUEL BLEND

SAMPLE# B-3751

LAB REPORT# TEL# 10621

K. Handling Codes for Wastes Listed Above

IN CASE OF EMERGENCY CONTACT
JAMES MURPHY 219/924-4370

if no alternate TSDF, return to generator

15. Special Handling Instructions and Additional Information

RAIL CAR# UTX 47571

RAIL CAR MUST BE WEIGHED

T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER

EMERGENCY SPILL CLEAN UP CALL:
CHEM TREC 1-800-424-9300

16. **GENERATOR'S CERTIFICATION:** I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and Arkansas state regulations.
If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name

THOMAS J. MURPHY

Signature

Thomas J. Murphy

Month Day Yr

10/6/01

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

Amy Lockhart

Signature

Amy Lockhart

Month Day Yr

10/6/01

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

Richard

Signature

Richard

Month Day Yr

6/1/99

19. Discrepancy Indication Space

20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.

Printed/Typed Name

Frank McDonald

Signature

Frank McDonald

Month Day Yr

10/6/01



STATE OF ARKANSAS
Department of Pollution Control and Ecology
P. O. Box 9583 Little Rock, Arkansas 72219
Telephone 501-562-7444

Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved. OMB No. 2050-0039. Expires 9-30-81

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. I N D 0 1 6 3 6 0 2 6 5	Manifest Document No. 0 1 1 8 1	2. Page 1 of 6	Information in the shaded areas is not required by Federal law.	
3. Generator's Name and Mailing Address American Chemical Service 420 S. Colfax Ave Griffith, Indiana 46319 (219)924-4370				A. State Manifest Document Number AR-104884		
4. Generator's Phone ()				B. State Generator's ID		
5. Transporter 1 Company Name EJE Railroad				C. State Transporter's ID		
6. US EPA ID Number I N D 0 0 0 7 8 0 2 6 2				D. Transporter's Phone 815-760-6475		
7. Transporter 2 Company Name Burlington Northern RR				E. State Transporter's ID H73PC772		
8. US EPA ID Number M N D 0 4 8 3 4 1 7 8 8				F. Transporter's Phone 800-342-5123		
9. Designated Facility Name and Site Address Ash Grove Cement Company Hwy 108 West Foreman, Arkansas				G. State Facility's ID		
10. US EPA ID Number A R D 9 8 1 5 1 2 2 7 0				H. Facility's Phone 501-542-6217		
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers No.	Type	13. Total Quantity	14. Unit Wt/Vol	15. Waste No.
a. WASTE FLAMMABLE LIQUID NOS UN 1993 FLAMMABLE LIQUID		1	T/C	19850	G	F001 F002 F003 F005 D001
b.						
c.						
d.						
J. Additional Descriptions for Materials Listed Above CHEM-FUEL BLEND SAMPLE# B-3749 LAB REPORT# TEL #6590				K. Handling Codes for Wastes Listed Above IN CASE OF EMERGENCY CONTACT: JAMES MURPHY 219/924-4370		
if no alternate TSDF, return to generator						
15. Special Handling Instructions and Additional Information RAIL CAR# UTX 47573 RAIL CAR MUST BE WEIGHED T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER				EMERGENCY SPILL CLEAN UP CALL: CHEM TREC 1-800-424-9300		
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable International and national government regulations and Arkansas state regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.						
Printed/Typed Name THOMAS J. MURPHY		Signature Thomas J. Murphy		Month Day Year 10 5 87		
17. Transporter 1 Acknowledgement of Receipt of Materials Printed/Typed Name R. WATTS		Signature R. Watts		Month Day Year 1 15 87		
18. Transporter 2 Acknowledgement of Receipt of Materials Printed/Typed Name B. Richards		Signature B. Richards		Month Day Year 6 10 87		
19. Discrepancy Indication Space						
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19. Printed/Typed Name Frank McDonald						
Signature Frank McDonald		Month Day Year 12 10 87				

EPA Form 8700-22 (Rev. 4-85) Previous edition is obsolete.

NOTICE: THE ORIGINAL AND NOT LESS THAN TWO (2) COPIES MUST REMAIN WITH THE HAZARDOUS WASTE SHIPMENT. ONCE DELIVERED, THE TREATMENT/STORAGE/DISPOSAL FACILITY MUST RETURN THIS ORIGINAL COPY TO THE GENERATOR.



STATE OF ARKANSAS
Department of Pollution Control and Ecology
P. O. Box 9583 Little Rock, Arkansas 72219
Telephone 501-562-7444

Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved. OMB No. 2050-0039. Expires 9-30-86

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No I N D 0 1 6 3 6 0 2 6 5		Manifest Document No 0 1 8 0		2. Page 1 of 6		Information in the shaded areas is not required by Federal law.	
3. Generator's Name and Mailing Address American Chemical Service 420 S. Colfax Avenue Griffith, Indiana 46319 (219)924-4370						A. State Manifest Document Number AR-104883			
4. Generator's Phone						B. State Generator's ID			
5. Transporter 1 Company Name EJE Railroad						6. US EPA ID Number I N D 0 0 0 7 8 0 2 6 2		C. State Transporter's ID	
7. Transporter 2 Company Name Burlington Northern RR						8. US EPA ID Number M N D 0 4 8 3 4 1 7 8 8		D. Transporter's Phone 815-760-6475	
9. Designated Facility Name and Site Address Ash Grove Cement Company Hwy 108 West Foreman, Arkansas						10. US EPA ID Number A R D 9 8 1 5 1 2 2 7 0		E. State Transporter's ID H73PC772	
								F. Transporter's Phone 800-342-5123	
								G. State Facility's ID	
								H. Facility's Phone 501-542-6217	
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)						12. Containers No. Type		13. Total Quantity	
a. WASTE FLAMMABLE LIQUID NOS UN 1993 FLAMMABLE LIQUID						1 1 T C		19839	
b.								G F001 F002 F003 F005 D001	
c.									
d.									
J. Additional Descriptions for Materials Listed Above CHEM-FUEL BLEND SAMPLE# B-3748 LAB REPORT TEI# 6572						K. Handling Codes for Wastes Listed Above IN CASE OF EMERGENCY CONTACT: JAMES MURPHY 219/924-4370			
if no alternate TSDF, return to generator									
15. Special Handling Instructions and Additional Information RAIL CAR# UTX 47566 RAIL CAR MUST BE WEIGHED T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER						EMERGENCY SPILL CLEAN UP CALL: CHEM TREC 1-800-424-9300			
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and Arkansas state regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, If I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.									
Printed/Typed Name THOMAS J. MURPHY					Signature Thomas J. Murphy		Month Day Year 10 5 26 87		
17. Transporter 1 Acknowledgement of Receipt of Materials Printed/Typed Name R. W. H. H.					Signature R. W. H. H.		Month Day Year 1 5 26 87		
18. Transporter 2 Acknowledgement of Receipt of Materials Printed/Typed Name B. Richards					Signature B. Richards		Month Day Year 8 10 87		
19. Discrepancy Indication Space									
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19. Printed/Typed Name Frank McDaniel									
Signature Frank McDaniel					Month Day Year 10 5 26 87				

EPA Form 8700-22 (Rev. 4-85) Previous edition is obsolete.

NOTICE: THE ORIGINAL AND NOT LESS THAN TWO (2) COPIES MUST REMAIN WITH THE HAZARDOUS WASTE SHIPPER. ONCE DELIVERED, THE TREATMENT/STORAGE/DISPOSAL FACILITY MUST RETURN THIS ORIGINAL COPY TO THE GENERATOR.

KARAGANIS & WHITE LTD.

ATTORNEYS AT LAW
414 NORTH ORLEANS STREET SUITE 810

CHICAGO, ILLINOIS 60610
(312) 836-1177

MAY 28 2 25 PM '87
OFFICE OF SOLID
AND HAZARDOUS
WASTE MGMT
DEM

JOSEPH V. KARAGANIS
A. BRUCE WHITE
BARBARA ANNE MAGEL
KATHLEEN M. DONAHUE
ELLEN LOIS ZISOOK

May 26, 1987

Mr. Thomas Russell
Department of Environmental Management
Office of Solid and Hazardous Waste
105 South Meridian
Indianapolis, Indiana 46225

Dear Mr. Russell:

I hereby request copies of all inspection reports and administrative orders, whether unilateral or by consent, maintained or issued by the State of Indiana with respect to the American Chemical Services facility in Griffith, Indiana. I also request copies of all memoranda and correspondence dealing with the HRS scoring of that site and the decision to include the City of Griffith Landfill and the Pazme Drum Reclamation site within the American Chemical Services HRS score. In addition, I am requesting copies of all memoranda and correspondence relating to American Chemical Services' application for a RCRA permit.

If you have any questions with respect to this request, please feel free to contact me at (312) 836-1177. I appreciate your attention to this matter.

Very truly,


Barbara Magel

STATE OF ARKANSAS

Department of Pollution Control and Ecology

P. O. Box 9583 Little Rock, Arkansas 72219

Telephone 501-562-7444

Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved. OMB No. 2050-0039. Expires 9-30-88

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. IN D 0 1 6 3 6 1 0 2 6 1 5 1 0 1 7 9	Manifest Document No. of 6	2. Page 1 Information in the shaded areas is not required by Federal law.		
3. Generator's Name and Mailing Address American Chemical Service 420 S. Colfax Avenue Griffith, Indiana 46319 (219)924-4370			A. State Manifest Document Number AR-104882			
4. Generator's Phone () 			B. State Generator's ID 			
5. Transporter 1 Company Name EJE Railroad		6. US EPA ID Number I N D 0 0 0 7 8 0 2 6 2		C. State Transporter's ID 		
7. Transporter 2 Company Name Burlington Northern RR		8. US EPA ID Number M N D 0 4 8 3 4 1 7 8 8		D. Transporter's Phone 815-760-6475		
9. Designated Facility Name and Site Address Ash Grove Cement Company Hwy 108 West Foreman, Arkansas		10. US EPA ID Number A R D 9 8 1 5 1 2 2 7 0		E. State Transporter's ID H73PC772		
				F. Transporter's Phone 800-342-5123		
				G. State Facility's ID 		
				H. Facility's Phone 501-542-6217		
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)			12. Containers No. Type		13. Total Quantity	
a. WASTE FLAMMABLE LIQUID NOS UN 1993 FLAMMABLE LIQUID			1 | 1 T E C 2 3 1 7 1		14. Unit Wt/Vol G	
I. Waste No. FOO1 FOO2 FOO3 FOO5 D001						
J. Additional Descriptions for Materials Listed Above CHEM-FUEL BLEND SAMPLE# B-3747 LAB REPORT# TEI #6558			K. Handling Codes for Wastes Listed Above IN CASE OF EMERGENCY CONTACT: JAMES MURPHY 219/924-4370			
if no alternate TSDF, return to generator						
15. Special Handling Instructions and Additional Information RAIL CAR# NATX 81057 RAIL CAR MUST BE WEIGHED			EMERGENCY SPILL CLEAN UP CALL: CHEM TREC 1-800-424-9300			
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and Arkansas state regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.						
Printed/Typed Name THOMAS J. MURPHY			Signature <i>Thomas J. Murphy</i>		Month Day Year 10 5 20 87	
17. Transporter 1 Acknowledgement of Receipt of Materials Printed/Typed Name R. Watts			Signature <i>R. Watts</i>		Month Day Year 1 5 20 87	
18. Transporter 2 Acknowledgement of Receipt of Materials Printed/Typed Name B. Richards			Signature <i>B. Richards</i>		Month Day Year 5 29 87	
19. Discrepancy Indication Space						
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19. Printed/Typed Name FRANK M. ...						
Signature <i>Frank M. ...</i>			Month Day Year 05 23 87			

EPA Form 8700-22 (Rev. 4-85) Previous edition is obsolete.

NOTICE: THE ORIGINAL AND NOT LESS THAN TWO (2) COPIES MUST BE PROVIDED TO THE HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITY. THE TSD FACILITY MUST RETURN THE ORIGINAL COPY TO THE GENERATOR.



STATE OF ARKANSAS
Department of Pollution Control and Ecology
P. O. Box 9583 Little Rock, Arkansas 72219
Telephone 501-562-7444

Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved. OMB No. 2050-0039. Expires 9-30-87

UNIFORM HAZARDOUS
WASTE MANIFEST

1. Generator's US EPA ID No. I N D 0 1 6 3 6 0 2 6 5 1 0 1 7 8
Manifest Document No.

2. Page 1
of 6

Information in the shaded areas is not
required by Federal law.

3. Generator's Name and Mailing Address
American Chemical Service
420 S. Colfax Avenue
Griffith, Indiana 46319 (219)924-4370
4. Generator's Phone

A. State Manifest Document Number

AR-104881

B. State Generator's ID

5. Transporter 1 Company Name

EJE Railroad

6. US EPA ID Number

I N D 0 0 0 7 8 0 2 6 2

C. State Transporter's ID

D. Transporter's Phone 815-760-6475

7. Transporter 2 Company Name

Burlington Northern RR

8. US EPA ID Number

M N D 0 4 8 3 4 1 1 7 8 8

E. State Transporter's ID H73PC772

F. Transporter's Phone 800-342-5123

9. Designated Facility Name and Site Address

Ash Grove Cement Company
Hwy 108 West
Foreman, Arkansas

10. US EPA ID Number

A R D 9 8 1 5 1 2 2 7 1 0

G. State Facility's ID

H. Facility's Phone

501-542-6217

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

12. Containers

No.

Type

13. Total
Quantity

14. Unit
Wt/Vol

1. Waste No.

a. WASTE FLAMMABLE LIQUID NOS UN 1993
FLAMMABLE LIQUID

1 1 1 T 2000

G

F001 F002
F003 F005
D001

b.

c.

d.

J. Additional Descriptions for Materials Listed Above

CHEM-FUEL BLEND

SAMPLE# B-3746

LAB REPORT# TEL# 6558

K. Handling Codes for Wastes Listed Above

IN CASE OF EMERGENCY CONTACT:
JAMES MURPHY 219/924-4370

if no alternate TSDF, return to generator

15. Special Handling Instructions and Additional Information

RAIL CAR# UTX 41213

RAIL CAR MUST BE WEIGHED

T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER

EMERGENCY SPILL CLEAN UP CALL:
CHEM TREC 1-800-424-9300

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Printed/Typed Name

THOMAS J. MURPHY

Signature

Thomas J. Murphy

Month Day Year

10 5 20 87

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

R. M. H. S.

Signature

R. M. H. S.

Month Day Year

1 5 20 87

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

B. V. Richards

Signature

B. V. Richards

Month Day Year

5 17 87

19. Discrepancy Indication Space

20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.

Printed/Typed Name

Frank M. Donald

Signature

Frank M. Donald

Month Day Year

10 5 20 87

EPA Form 8700-22 (Rev. 4-85) Previous edition is obsolete.

NOTICE: THE ORIGINAL AND NOT LESS THAN TWO (2) COPIES MUST MOVE WITH THE HAZARDOUS WASTE SHIPMENT. ONCE DELIVERED, THE TREATMENT/STORAGE/DISPOSAL FACILITY MUST RETURN THIS ORIGINAL COPY TO THE GENERATOR.

AR 10-88(9-86)

GENERATOR

TRANSPORTER

CILITY



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

MAY 22 1 55 PM '87

OFFICE OF SOLID
AND HAZARDOUS
WASTE MGMT

REPLY TO THE ATTENTION OF:

DEM 5HE-12

MAY 20 1987

Ronald DeLoach, Manager
American Recovery Company, Inc.
601 Riley Road
East Chicago, Indiana 42312

Re: U.S. EPA ID No: IND 077 042 034

Dear Mr. DeLoach:

On April 30, 1987, your facility located at 601 Riley Road, East Chicago, Indiana was inspected by United States Environmental Protection Agency Representatives, Ms. Shirlee Brauer and Ms. Laura Lodisio. The purpose of this inspection was to evaluate compliance of all waste-as-fuel activities conducted at the site with the requirements of the Resource Conservation and Recovery Act (RCRA); specifically, those regulations codified at 40 CFR 266 Subparts D and E. Also, since your facility stores hazardous waste prior to recycling, it was further evaluated for compliance to 40 CFR 265 Subparts A through L.

Based on information provided by facility personnel, records review and visual inspection of the site at the time of the investigation, it was determined that the facility is in violation of the following requirements.

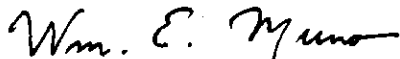
1. 40 CFR 265.16(d) which requires the time of each inspection to be recorded in the inspection log or summary.
2. 40 CFR 265.52(c) which requires that the facility contingency plan describe arrangements agreed to by local and State emergency response teams to coordinate emergency services pursuant to 40 CFR 265.37.
3. 40 CFR 265.53(d) which requires that a copy of the contingency plan and all revisions to the plan must be submitted to all police and fire departments, hospitals and State and local emergency response teams that may be called upon to provide emergency services.
4. 40 CFR 266.40(c) which requires that used oil burned for energy recovery, and any fuel produced from used oil by processing, blending or other treatment, is subject to regulation under

Subpart E unless it is shown not to exceed any of the allowable levels of the constituents and properties in the specification of that section. Used oil fuel that meets the specification is subject only to the analysis and recordkeeping requirements under Section 266.43(b)(1) and (6). Used oil fuel that exceeds any specification level is termed "hazardous waste fuel", as you do not qualify for the exemption of 40 CFR 261.6(a)(3)(viii)(c), which states that oil reclaimed from oil-bearing hazardous waste from petroleum refining, production and transportation practices which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under 40 CFR 266.40(e). At the time of inspection, your analysis showed that some shipments of used oil fuel were exceeding the specification level. This used oil fuel was claimed to be and was represented as on-specification used oil fuel.

It is required that you submit a response, in writing to this office no later than 30 days after receipt of this letter documenting the actions you have taken to comply with the above requirements. In regard to item 4, above, we understand that you are having problems with quality control/quality assurance at your contact laboratories, which may be causing some incorrect values to be reported on your sample analysis results. Please document the status and/or progress of your attempt to resolve these problems.

Thank you for your cooperation. If you have questions and/or concerns regarding this matter, please contact Ms. Shirlee Brauer (312) 886-4591 or Ms. Laura Lodisio (312) 886-7090 of my staff.

Sincerely yours,



William E. Munro, Chief
RCRA Enforcement Section

Enclosure: Inspection Report

cc: James Hunt, Chief
Compliance Monitoring Section
Indiana Department of Environmental
Management
105 S. Meridian Street
Indianapolis, Indiana 46225

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT *file 1B1*

INDIANAPOLIS

OFFICE MEMORANDUM

DATE: May 19, 1987

THRU: David W. Berrey *DWB*TO: American Chemical Service
IND 016360265FROM: Lewis R. Schoenberger *LRS*
Compliance Monitoring Section

SUBJECT: Compliance Inspection and Sampling Site Investigation

On February 2, 1987, I conducted a compliance inspection and sampling site investigation of American Chemical Service, P.O. Box 190, Griffith, Indiana 46319. This was followed by a second inspection on April 15, 1987. Mr. James Tarpo represented American Chemical Service.

A preinspection file audit revealed that this facility had notified as a generator, container and tank storage, and treatment facility for F001, F002, F003, F005, D001, U002, U031, U112, U147 and U154 hazardous wastes. As a result of this inspection, it was determined that the facility does not handle U002, U031, U112, U147 or U154 hazardous waste--but it does handle the others.

This facility had previously been inspected on October 22, 1984, and May 28, 1985. These inspections resulted in a Letter of Warning and Violation Letter (V-205) dated December 13, 1984 and September 24, 1985, respectively. Both of these enforcement actions have been resolved.

American Chemical Service is a manufacturer of specialty organic chemicals. Some of the chemicals they manufacture are halogenated. As a part of their production process they employ refractory columns to separate the various products. This results in the production of a waste still bottom in the columns pot.

As a secondary business, ACS also acts as a container and tank storage, and treatment facility for F001, F002, F003, F005 and D001 hazardous waste. The treatment processes employed at this plant are the purification (or rejuvenation) of spent solvents via distillation in a refractory column or blending of the spent solvent with fuel oils to form a hazardous waste derived fuel that is burned for energy recovery. The still bottoms from the refractory columns are also blended to form hazardous waste derived fuel. This fuel is marketed through Cadence Chemical Resources, Inc., for sale to various industrial burners. Some of the spent solvent accepted for treatment by this facility is not reclaimed by distillation. This solvent is blended directly with other fuel oils and marketed as a hazardous waste derived fuel. The most significant violation I noted during my inspection was the fact that shipments of hazardous waste derived fuel from listed hazardous waste sources were accompanied by manifests indicating the EPA ID number to be D001, when in fact it should have been F003/F005.

American Chemical Service

Page 2

May 19, 1987

During this inspection I found violations concerning the operator inspections, lack of immediate access to an alarm or communications device in the container storage area, lack of adequate aisle space in the container storage area, open containers of hazardous waste, lack of a unique five digit manifest document number, improper hazardous waste determination for the hazardous waste derived fuel and a corresponding error on the manifests of these hazardous waste derived fuel shipments. The facility shall be notified of these violations via a Violation Letter from this office.

LRS/tjd

**UNIFORM HAZARDOUS
WASTE MANIFEST**

1. Generator's US EPA ID No.

I N D 0 1 6 3 6 0 2 6 5

Manifest
Document No.
0 0 0 8

2. Page 1
of 6

Information in the shaded areas is
not required by Federal law, but
items D, F, H and I are required by
State law.

3. Generator's Name and Mailing Address

AMERICAN CHEMICAL SERVICE

420 S. Colfax Avenue

Griffith, Indiana 46319 (219)924-4370

4. Generator's Phone

A. State Manifest Document Number

IND 0117665

B. State Generator's ID

5. Transporter 1 Company Name

EJE RAILROAD

6. Use EPA ID Number

I N D 0 0 0 7 8 0 2 6 2

C. State Transporter's ID

D. Transporter's Phone 815-760-6475

7. Transporter 2 Company Name

BURLINGTON NORTHERN

8. Use EPA ID Number

M N D 0 4 8 3 4 1 7 8 8

E. State Transporter's ID

F. Transporter's Phone 800-342-5123

9. Designated Facility Name and Site Address

Ash Grove Cement

Highway 50 & 66

Louisville, NB 60837

10. Use EPA ID Number

N E D 0 0 7 2 6 0 6 7 2

G. State Facility's ID

H. Facility's Phone

1-402-234-2415

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

12. Containers
No. Type

13. Total
Quantity

14. Unit
Wt/Vol.

15. Waste No.

a. WASTE FLAMMABLE LIQUID NOS UN 1993
FLAMMABLE LIQUID

0 1

T C

2 0 0 1 7

G

F001 F002
F003 F005
D001

b.

c.

d.

J. Additional Descriptions for Materials Listed Above

CHEM-FUEL BLEND

SAMPLE# B-3744

LAB

REPORT#

TEL # 6505

K. Handling Codes for Wastes Listed Above

15. Special Handling Instructions and Additional Information

RAIL CAR TIMEX 23217

RAIL CAR MUST BE WEIGHED

T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER

EMERGENCY SPILL CLEAN UP CALL:

CHEM TREC 1-800-424-9300

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations.

If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name

Signature

THOMAS J. MURPHY

Thomas J. Murphy

Month Day Year
05 12 87

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

R WATTS

R Watts

Month Day Year
05 12 87

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

WAYNE RUPP

Wayne Rupp

Month Day Year
05 12 87

19. Discrepancy Indication Space

NONE

20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted Item 19.

Printed/Typed Name

Signature

WAYNE RUPP/ASH GROVE

Wayne Rupp

Month Day Year
05 12 87



STATE OF ARKANSAS
Department of Pollution Control and Ecology
P. O. Box 9583 Little Rock, Arkansas 72219
Telephone 501-562-7444

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UNIFORM HAZARDOUS
WASTE MANIFEST

1. Generator's US EPA ID No.

I N D 0 1 6 3 6 0 2 6 5

Manifest
Document No.

10177

2. Page 1
of 6

Information in the shaded areas is not
required by Federal law.

3. Generator's Name and Mailing Address

American Chemical Service

420 S. Colfax Avenue

Griffith, Indiana 46319 (219)924-4370

4. Generator's Phone ()

A. State Manifest Document Number

AR-104880

B. State Generator's ID

5. Transporter 1 Company Name

EJE Railroad

6.

US EPA ID Number

I N D 0 0 0 7 8 0 2 6 2

C. State Transporter's ID

D. Transporter's Phone 815-760-6475

7. Transporter 2 Company Name

Burlington Northern RR

8.

US EPA ID Number

M N D 0 4 8 3 4 1 7 8 8

E. State Transporter's ID H73PC772

F. Transporter's Phone 800-342-5123

9. Designated Facility Name and Site Address

Ash Grove Cement Company

Hwy 108 West

Foreman, Arkansas

10.

US EPA ID Number

A R D 9 8 1 5 1 2 2 7 0

G. State Facility's ID

H. Facility's Phone

501-542-6217

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

12. Containers

No.

Type

13.
Total
Quantity

14.
Unit
Wt/Vol

15.
Waste No.

a.

WASTE FLAMMABLE LIQUID NOS UN 1993

FLAMMABLE LIQUID

1

T

19855

G

F001 F002
F003 F005
D001

b.

c.

d.

J. Additional Descriptions for Materials Listed Above

CHEM-FUEL BLEND

SAMPLE# B-3745 LAB REPORT# TEL 6517

K. Handling Codes for Wastes Listed Above

IN CASE OF EMERGENCY CONTACT:
JAMES MURPHY 219/924-4370

if no alternate TSDF, return to generator

15. Special Handling Instructions and Additional Information

RAIL CAR# UTLX 47594

RAIL CAR MUST BE WEIGHED

T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER

EMERGENCY SPILL CLEAN UP CALL:

CHEM TREC 1-800-424-9300

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and Arkansas state regulations.

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Printed/Typed Name

THOMAS J. MURPHY

Signature

Thomas J. Murphy

Month Day Year

10/5/12/87

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

R WATTS

Signature

R Watts

Month Day Year

11/5/12/87

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

B Richards

Signature

B Richards

Month Day Year

05/22/87

19. Discrepancy Indication Space

20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.

Printed/Typed Name

FRANK McDONALD

Signature

Frank McDonald

Month Day Year

05/22/87

EPA Form 8700-22 (Rev. 4-85) Previous edition is obsolete.

NOTICE: THE ORIGINAL AND NOT LESS THAN TWO (2) COPIES MUST MOVE WITH THE HAZARDOUS WASTE WHEN IT IS DELIVERED. THE TREATMENT/STORAGE/DISPOSAL FACILITY MUST RETURN THIS ORIGINAL COPY TO THE GENERATOR.

AR 10-98(9-88)

GENERATOR

TRANSPORTER

CITY



STATE OF ARKANSAS
Department of Pollution Control and Ecology
P. O. Box 9583 Little Rock, Arkansas 72219
Telephone 501-562-7444

Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

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UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No.	Manifest Document No.	2. Page 1 of 6	Information in the shaded areas is not required by Federal law.	
3. Generator's Name and Mailing Address AMERICAN CHEMICAL SERVICE 420 S. Colfax Avenue Griffith, Indiana 46319		4. Generator's Phone (219) 924-4370		A. State Manifest Document Number AR-104878		
5. Transporter 1 Company Name EJE Railroad		6. US EPA ID Number I N D 0 1 6 3 6 0 2 6 5 1		B. State Generator's ID		
7. Transporter 2 Company Name Burlington Northern RR		8. US EPA ID Number M N D 0 4 8 3 4 1 7 8 8		C. State Transporter's ID		
9. Designated Facility Name and Site Address Ash Grove Cement Company Hwy 108 West Foreman, Arkansas		10. US EPA ID Number A R D 9 8 1 1 5 1 2 2 7 0		D. Transporter's Phone 815-760-6475		
				E. State Transporter's ID H73PC772		
				F. Transporter's Phone 800-342-5123		
				G. State Facility's ID		
				H. Facility's Phone 501-542-6217		
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers No.	Type	13. Total Quantity	14. Unit Wt/Vol	15. Waste No.
a. WASTE FLAMMABLE LIQUID NOS UN 1993 FLAMMABLE LIQUID		1	T	19819	G	FO01 FO02 FO03 FO05 D001
b.						
c.						
d.						
J. Additional Descriptions for Materials Listed Above CHEM-FUEL BLEND SAMPLE# B-3740 LAB REPORT# TEI #6459		K. Handling Codes for Wastes Listed Above				
if no alternate TSDF, return to generator						
15. Special Handling Instructions and Additional Information RAIL CAR# UTX 48130 RAIL CAR MUST BE WEIGHED T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER		EMERGENCY SPILL CLEAN UP CALL: CHEM TREC 1-800-424-9300				
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and Arkansas state regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.						
Printed/Typed Name THOMAS J. MURPHY		Signature Thomas J. Murphy		Month Day Year 10/50/81		
17. Transporter 1 Acknowledgement of Receipt of Materials Printed/Typed Name R WATTS		Signature R Watts		Month Day Year 1/5/82		
18. Transporter 2 Acknowledgement of Receipt of Materials Printed/Typed Name B V RICHARDS		Signature B V Richards		Month Day Year 5/1/82		
19. Discrepancy Indication Space						
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19. Printed/Typed Name FRANK MCDONALD		Signature Frank McDonald		Month Day Year 05/03/82		



STATE OF ARKANSAS
Department of Pollution Control and Ecology
P. O. Box 9583 Little Rock, Arkansas 72219
Telephone 501-562-7444

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Form Approved. OMB No. 2050-0039. Expires 9-30-86

UNIFORM HAZARDOUS
WASTE MANIFEST

1. Generator's US EPA ID No.

I N D 0 1 6 3 6 0 2 6 5

Manifest
Document No.

0 1 7 4

2. Page 1
of 6

Information in the shaded areas is not
required by Federal law.

3. Generator's Name and Mailing Address

AMERICAN CHEMICAL SERVICE

420 S. Colfax Avenue

Griffith, Indiana 46319 (219)924-4370

4. Generator's Phone ()

5. Transporter 1 Company Name

EJE Railroad

6.

US EPA ID Number

I N D 0 0 0 7 8 0 2 6 2

7. Transporter 2 Company Name

Burlington Northern RR

8.

US EPA ID Number

M N D 0 4 8 3 4 1 7 8 8

9. Designated Facility Name and Site Address

Ash Grove Cement Company

Hwy 108 West

Foreman, Arkansas

10.

US EPA ID Number

A R D 9 8 1 5 1 2 2 7 0

A. State Manifest Document Number

AR-104877

B. State Generator's ID

C. State Transporter's ID

D. Transporter's Phone 815-760-6475

E. State Transporter's ID H73PC772

F. Transporter's Phone 800-342-5123

G. State Facility's ID

H. Facility's Phone

501-542-6217

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

a. WASTE FLAMMABLE LIQUID NOS UN 1993
Flammable liquid

b.

c.

d.

12. Containers

No.

Type

13. Total
Quantity

14. Unit
Wt/Vol

1. Waste No.

1 1 T T 20 1 0 1 G

F001 F002
F003 F005
D001

J. Additional Descriptions for Materials Listed Above

CHEM-FUEL BLEND

SAMPLE# B-3739 LAB REPORT# TEL# 6459

K. Handling Codes for Wastes Listed Above

if no alternate TSDF, return to generator

15. Special Handling Instructions and Additional Information

RAIL CAR# GATX 98502

RAIL CAR MUST BE WEIGHED

T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER

EMERGENCY SPILL CLEAN UP

CALL: CHEM TREC

1-800-424-9300

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and Arkansas state regulations.
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Printed/Typed Name

THOMAS J. MURPHY

Signature

Thomas J. Murphy

Month Day Year

10 50 1 87

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

RWATK

Signature

RWATK

Month Day Year

1 5 1 87

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

B. Richards

Signature

B. Richards

Month Day Year

5 1 8 87

19. Discrepancy Indication Space

20. Facility Owner or Operator Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19

Printed/Typed Name

FRANK M. DOWD

Signature

Frank M. Dowd

Month Day Year

12 11 87

EPA Form 8700-22 (Rev. 4-85) Previous edition is obsolete.

NOTICE: THE ORIGINAL AND NOT LESS THAN TWO (2) COPIES MUST MOVE WITH THE HAZARDOUS WASTE SHIPMENT. ONCE DELIVERED, THE TREATMENT/STORAGE/DISPOSAL FACILITY MUST RETURN THIS ORIGINAL COPY TO THE GENERATOR.



STATE OF ARKANSAS
Department of Pollution Control and Ecology
P. O. Box 9583 Little Rock, Arkansas 72219
Telephone 501-562-7444

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UNIFORM HAZARDOUS
WASTE MANIFEST

1. Generator's US EPA ID No.

Manifest
Document No.

2. Page 1
of 6

Information in the shaded areas is not
required by Federal law.

3. Generator's Name and Mailing Address

American Chemical Service
420 S. Colfax Avenue
Griffith, Indiana 46319 (219)924-4370

4. Generator's Phone

A. State Manifest Document Number

AR-104876

B. State Generator's ID

5. Transporter 1 Company Name

EJE Railroad

6.

US EPA ID Number

IND000780262

C. State Transporter's ID

D. Transporter's Phone 815-760-6475

7. Transporter 2 Company Name

Burlington Northern RR

8.

US EPA ID Number

MND048341788

E. State Transporter's ID

H73PC772

F. Transporter's Phone 800-342-5123

9. Designated Facility Name and Site Address

Ash Grove Cement Company
Hwy 108 West
Foreman, Arkansas

10.

US EPA ID Number

ARD981512270

G. State Facility's ID

H. Facility's Phone

501-542-6217

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

12. Containers

No.

Type

13.
Total
Quantity

14.
Unit
Wt/Vol

15.
Waste No.

a.

WASTE FLAMMABLE LIQUID NOS UN 1993
FLAMMABLE LIQUID

1

1

T

T

19843

G

F001 F002
F003 F005
D001

b.

c.

d.

J. Additional Descriptions for Materials Listed Above

CHEM-FUEL BLEND

SAMPLE# B-3738

LAB REPORT# TE1 #6426

K. Handling Codes for Wastes Listed Above

if no alternate TSDF, return to generator

15. Special Handling Instructions and Additional Information

RAIL CAR# UTX 47571

RAIL CAR MUST BE WEIGHED

T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER

EMERGENCY SPILL CLEAN UP

CALL: CHEM TREC

1-800-424-9300

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Printed/Typed Name

THOMAS J. MORPHY

Signature

Thomas J. Morphy

Month Day Year

10 4 28 87

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

R. WATTS

Signature

R. Watts

Month Day Year

1 4 28 87

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

B. V. RICHARDS

Signature

B. V. Richards

Month Day Year

5 14 87

19. Discrepancy Indication Space

20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.

Printed/Typed Name

Frank McDonald

Signature

Frank McDonald

Month Day Year

2 5 14 87

EPA Form 8700-22 (Rev. 4-85) Previous edition is obsolete.

NOTICE: THE ORIGINAL AND NOT LESS THAN TWO (2) COPIES MUST MOVE WITH THE HAZARDOUS WASTE SHIPMENT. ONCE DELIVERED, THE TREATMENT/STORAGE/DISPOSAL FACILITY MUST RETURN THIS ORIGINAL COPY TO THE GENERATOR.

AR 10-88(9-88)

GENERATOR

TRANSPORTER

CITY



(Form designed for use on elite (12-pitch) typewriter.)

Form Approved. OMB No. 2050-0039. Expires 9-30-88

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. I N D 0 1 6 3 6 0 2 6 5	Manifest Document No. 0 0 0 4	2. Page 1 of 6	Information in the shaded areas is not required by Federal law, but items D, F, H and I are required by State law.		
3. Generator's Name and Mailing Address AMERICAN CHEMICAL SERVICE INC 420 S. Colfax Avenue Griffith, Indiana 46319				A. State Manifest Document Number 1 B 1 A 0117661			
4. Generator's Phone () (219) 924-4370				B. State Generator's ID			
5. Transporter 1 Company Name EJE Railroad				C. State Transporter's ID			
6. Use EPA ID Number I N D 0 0 0 7 8 0 2 6 2				D. Transporter's Phone 815-760-6475			
7. Transporter 2 Company Name Burlington Northern				E. State Transporter's ID			
8. Use EPA ID Number M N D 0 4 8 3 4 1 7 8 8				F. Transporter's Phone 800-342-5123			
9. Designated Facility Name and Site Address Ash Grove Cement Highway 50 & 66 Louisville, NB 68037				G. State Facility's ID			
10. Use EPA ID Number N E D 0 0 7 3 6 0 6 7 2				H. Facility's Phone 1-402-234-2415			
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers No.	Type	13. Total Quantity	14. Unit Wt/Vol.	15. Waste No.	
a. WASTE FLAMMABLE LIQUID NOS UN 1993 FLAMMABLE LIQUID		0 1	T C	20.053	G	F001 F002 F003 F005 D001	
b.		.	.	.	.	.
c.		.	.	.	.	.
d.		.	.	.	.	.
J. Additional Descriptions for Materials Listed Above CHEM-FUEL BLEND SAMPLE# B-3736 LAB REPORT# TEI #6407				K. Handling Codes for Wastes Listed Above			
15. Special Handling Instructions and Additional Information RAIL CAR# TACX 22976 RAIL CAR MUST BE WEIGHED T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER				EMERGENCY SPILL CLEAN UP CALL: CHEM TREC 1-800-424-9300			
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.							
Printed/Typed Name THOMAS J. MURPHY				Signature Thomas J. Murphy			
17. Transporter 1 Acknowledgement of Receipt of Materials Printed/Typed Name R WATTS				Signature R Watts			
18. Transporter 2 Acknowledgement of Receipt of Materials Printed/Typed Name WAYNE RUPP				Signature Wayne Rupp			
19. Discrepancy Indication Space NONE							
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted Item 19. Printed/Typed Name ASH GROVE CEMENT CO.							
Signature Wayne Rupp							



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(Form designed for use on elite (12-pitch) typewriter.)

Form Approved. OMB No. 2050-0039. Expires 9-30-88

In c of a spill call Indiana Office of Environmental Response at 317/243-5155 (day), or 317/633-0144 (night) and the
Nat. al Response Center at 800/424-8802 or 202/426-2675.

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No.	Manifest Document No.	2. Page 1 of 6	Information in the shaded areas is not required by Federal law, but items D, F, H and I are required by State law.	
3. Generator's Name and Mailing Address American Chemical Service Inc 420 S. Colfax Avenue Griffith, Indiana 46319 (219) 924-4370		1. Generator's US EPA ID No. IND016360265		A. State Manifest Document Number INA 0117649		
4. Generator's Phone ()		6. Use EPA ID Number IND000780262		B. State Generator's ID		
5. Transporter 1 Company Name EJE Railroad		8. Use EPA ID Number IND048341788		C. State Transporter's ID		
7. Transporter 2 Company Name Burlington Northern		10. Use EPA ID Number NE0007260572		D. Transporter's Phone 815-760-6475		
9. Designated Facility Name and Site Address Ash Grove Cement Highway 50 & 66 Louisville, NE 68037				E. State Transporter's ID		
				F. Transporter's Phone 800-342-5123		
				G. State Facility's ID		
				H. Facility's Phone 1-402-234-2415		
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers	13. Total Quantity	14. Unit	I. Waste No.	
a. WASTE FLAMMABLE LIQUID NOS UN 1993 FLAMMABLE LIQUID		No. Type 0.1 T.C		6	F001 F002 F003 F005 D001	
b.						
c.						
d.						
J. Additional Descriptions for Materials Listed Above CHEM-FUEL BLEND SAMPLE# LAB REPORT#		K. Handling Codes for Wastes Listed Above				
15. Special Handling Instructions and Additional Information RAIL CAR# RAIL CAR MUST BE WEIGHED T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER		EMERGENCY SPILL CLEAN UP CALL: CHEM TREC 1-800-424-9300				
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.						
Printed/Typed Name		Signature		Month	Day Year	
17. Transporter 1 Acknowledgement of Receipt of Materials		Signature		Month	Day Year	
18. Transporter 2 Acknowledgement of Receipt of Materials		Signature		Month	Day Year	
19. Discrepancy Indication Space						
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted Item 19.						
Printed/Typed Name		Signature		Month	Day Year	



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Form Approved. OMB No. 2050-0039. Expires 9-30-88

UNIFORM HAZARDOUS WASTE MANIFEST

1. Generator's US EPA ID No.

I N D O 1 6 3 6 0 2 6 5

Manifest Document No.

0 0 0 5

2. Page 1 of 6

Information in the shaded areas is not required by Federal law, but Items D, F, H and I are required by State law.

3. Generator's Name and Mailing Address
AMERICAN CHEMICAL SERVICE
420 S. Colfax Avenue

Griffith, Indiana 46319 (219)924-4370

4. Generator's Phone ()

5. Transporter 1 Company Name

EJE RAILROAD

6. Use EPA ID Number

I N D O 0 0 7 8 0 2 6 2

7. Transporter 2 Company Name

BURLINGTON NORTHERN

8. Use EPA ID Number

I N D O 4 8 3 4 1 7 8 8

9. Designated Facility Name and Site Address

ASH GROVE CEMENT

HIGHWAY 50 & 66

Louisville, NB 68037

10. Use EPA ID Number

N E D O 0 7 2 6 0 6 7 2

A. State Manifest Document Number

0117662

B. State Generator's ID

C. State Transporter's ID

D. Transporter's Phone 815-760-6475

E. State Transporter's ID

F. Transporter's Phone 800-342-5123

G. State Facility's ID

H. Facility's Phone

1-402-234-2415

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

12. Containers
No. Type

13. Total Quantity

14. Unit Wt/Vol.

15. Waste No.

a. WASTE FLAMMABLE LIQUID NOS UN 1993
FLAMMABLE LIQUID

.01

T.C

20.006

G

F001 F002
F003 F005
D001

J. Additional Descriptions for Materials Listed Above

CHEM-FUEL BLEND

SAMPLE# B-3737

LAB REPORT#

TEL# 6414

K. Handling Codes for Wastes Listed Above

15. Special Handling Instructions and Additional Information

RAIL CAR# TMCX 22989

RAIL CAR MUST BE WEIGHED

T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER

EMERGENCY SPILL CLEAN UP CALL:
CHEM TREC 1-800-424-9300

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Printed/Typed Name

THOMAS J. MURPHY

Signature

Thomas J. Murphy

Month Day Year
04 28 87

Printed/Typed Name

R. WATTS

Signature

R. Watts

Month Day Year
9 28 87

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

WAYNE RUPP

Signature

Wayne Rupp

Month Day Year
05 12 87

19. Discrepancy Indication Space

NONE

20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted item 19.

Printed/Typed Name

ASH GROVE CEMENT CO.

Signature

Wayne Rupp

Month Day Year
05 12 87



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Form Approved. OMB No. 2050-0039. Expires 9-30-88

UNIFORM HAZARDOUS WASTE MANIFEST

1. Generator's US EPA ID No.

IND016360265

Manifest Document No.

0002

2. Page 1 of 1

Information in the shaded areas is not required by Federal law, but items D, F, H and I are required by State law.

3. Generator's Name and Mailing Address

American Chemical Service Inc
420 S. Colfax Avenue, Griffith, IN 45319

4. Generator's Phone (219) 934-4370

A. State Manifest Document Number
INA 0117648

B. State Generator's ID

5. Transporter 1 Company Name

EJE Railroad

6. Use EPA ID Number

IND0000780262

C. State Transporter's ID

D. Transporter's Phone 815-760-6475

7. Transporter 2 Company Name

Burlington Northern

8. Use EPA ID Number

IND0048341788

E. State Transporter's ID

F. Transporter's Phone 800-942-5123

9. Designated Facility Name and Site Address

ASH GROVE CEMENT
HIGHWAY 50 & 66
Louisville, NB 68037

10. Use EPA ID Number

NE0007260672

G. State Facility's ID

H. Facility's Phone

1-402-234-2415

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

WASTE FLAMMABLE LIQUID NOS UN 1993
FLAMMABLE LIQUID

12. Containers

No.

Type

13. Total Quantity

14. Unit Wt./Vol.

15. Waste No.

01TG

19.882

G

F001 F002
F003 F005
DD01

J. Additional Descriptions for Materials Listed Above

CHEM-FUEL BLEND

SAMPLE #

LAB REPORT#

K. Handling Codes for Wastes Listed Above

15. Special Handling Instructions and Additional Information

RAIL CAR #
RAIL CAR MUST BE WEIGHED
T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER

EMERGENCY SPILL CLEAN UP CALL:
CHEM TREC 1-800-424-9300

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Printed/Typed Name

Signature

Month Day Year

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

19. Discrepancy Indication Space

20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted Item 19.

Printed/Typed Name

Signature

Month Day Year



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**UNIFORM HAZARDOUS
WASTE MANIFEST**

1. Generator's US EPA ID No.
IND.016 360.265.

Manifest
Document No.
87001

2. Page 1
of 1
Information in the shaded areas is
not required by Federal law, but
items D, F, H and I are required by
State law.

3. Generator's Name and Mailing Address

**AMERICAN CHEMICAL SERVICE INC
420 S. COLFAX AVE
GRIFFITH, INDIANA**

4. Generator's Phone

219-924-4370

A. State Manifest Document Number

INA 0117647

B. State Generator's ID

5. Transporter 1 Company Name

EJE RAILROAD

6. Use EPA ID Number

IND.000.780 262.

C. State Transporter's ID

815-760-6475

7. Transporter 2 Company Name

BURLINGTON NORTHERN

8. Use EPA ID Number

IND.048.341 788.

E. State Transporter's ID

800-342-5123

9. Designated Facility Name and Site Address

**ASH GROVE CEMENT
HIGHWAY 50 & 66
LOUISVILLE, NB 68037**

10. Use EPA ID Number

NEB.007.260 672.

G. State Facility's ID

H. Facility's Phone
1-402-234-2415

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

**WASTE FLAMMABLE LIQUID NOS UN 1993
FLAMMABLE LIQUID**

12. Containers

No.

Type

13. Total
Quantity

14. Unit
Wt/Vol.

I. Waste No.

0 1 TC

1.9.7.3.8

G

**F001 F002
F003 F005
0001**

J. Additional Descriptions for Materials Listed Above

**CHEM-FUEL BLEND
SAMPLE # 1171 lab report# 1171**

K. Handling Codes for Wastes Listed Above

15. Special Handling Instructions and Additional Information

**rail car # 1171
RAIL CAR MUST BE WEIGHED
T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER**

**EMERGENCY SPILL CLEAN UP
CALL: CHEM TREC 1-800-424-9300**

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Printed/Typed Name

Signature

Month Day Year

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

19. Discrepancy Indication Space

20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted Item 19.

Printed/Typed Name

Signature

Month Day Year



STATE OF ARKANSAS
Department of Pollution Control and Ecology
P. O. Box 9583 Little Rock, Arkansas 72219
Telephone 501-562-7444

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Form Approved. OMB No. 2050-0039. Expires 9-30-86

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. I N D 0 1 6 3 6 0 2 6 5 1 0 1 7 0		Manifest Document No. 0 1 7 0		2. Page 1 of 6		Information in the shaded areas is not required by Federal law.					
3. Generator's Name and Mailing Address American Chemical Service 420 S. Colfax Avenue Griffith, Indiana 46319 (219)924-4370						A. State Manifest Document Number AR-104873							
4. Generator's Phone ()						B. State Generator's ID							
5. Transporter 1 Company Name E J & E Railroad						C. State Transporter's ID							
6. US EPA ID Number I N D 0 0 0 7 8 0 2 6 2						D. Transporter's Phone 815-760-6475							
7. Transporter 2 Company Name Burlington Northern RR						E. State Transporter's ID H73PC772							
8. US EPA ID Number M N D 0 4 8 3 4 1 7 8 8						F. Transporter's Phone 800-342-5123							
9. Designated Facility Name and Site Address Ash Grove Cement Company Hwy 108 West Foreman, Arkansas						G. State Facility's ID							
10. US EPA ID Number A R D 9 8 1 5 1 2 2 7 0						H. Facility's Phone 501-542-6217							
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)						12. Containers No. Type		13. Total Quantity		14. Unit Wt/Vol		15. Waste No.	
a. WASTE FLAMMABLE LIQUID NOS UN 1993 FLAMMABLE LIQUID						1 1 T T		20025		G		FO01 FO02 FO03 FO05 D001	
b.													
c.													
d.													
J. Additional Descriptions for Materials Listed Above CHEM-FUEL BLEND SAMPLE# B-3733 LAB REPORT# TEI # 6343						K. Handling Codes for Wastes Listed Above							
if no alternate TSDF, return to generator													
15. Special Handling Instructions and Additional Information RAIL CAR# UTX 49858 RAIL CAR MUST BE WEIGHED T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER						EMERGENCY SPILL CLEAN UP CALL: CHEM TREC 1-800-424-9300							
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Printed/Typed Name THOMAS J. MURPHY						Signature Thomas J. Murphy			Month Day Year 10/1/87				
17. Transporter 1 Acknowledgement of Receipt of Materials Printed/Typed Name RWATTS						Signature RWATTS			Month Day Year 10/1/87				
18. Transporter 2 Acknowledgement of Receipt of Materials Printed/Typed Name B. Richards						Signature B. Richards			Month Day Year 10/2/87				
19. Discrepancy Indication Space													
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19. Printed/Typed Name FRANK McDONALD													
Signature Frank McDonald						Month Day Year 10/2/87							



STATE OF ARKANSAS
Department of Pollut Control and Ecology
P. O. Box 9583 Little Rock, Arkansas 72219
Telephone 501-562-7444

1

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UNIFORM HAZARDOUS
WASTE MANIFEST

1. Generator's US EPA ID No.

IN D 0 1 6 3 6 0 2 6 5 1 0 1 7 1

Manifest
Document No.

2. Page 1
of 6

Information in the shaded areas is not
required by Federal law.

3. Generator's Name and Mailing Address

American Chemical Service
420 S. Colfax Avenue
Griffith, Indiana 46319

(219)924-4370

4. Generator's Phone ()

A. State Manifest Document Number

AR-104874

B. State Generator's ID

5. Transporter 1 Company Name

E J & E Railroad

6. US EPA ID Number

IN D 0 0 0 7 8 0 2 6 2

C. State Transporter's ID

D. Transporter's Phone 815-760-6475

7. Transporter 2 Company Name

Burlington Northern RR

8. US EPA ID Number

IN D 0 4 8 3 4 1 7 8 8

E. State Transporter's ID H73PC772

F. Transporter's Phone 800-342-5123

9. Designated Facility Name and Site Address

Ash Grove Cement Company
Hwy 108 West
Foreman, Arkansas

10. US EPA ID Number

AR D 9 8 1 5 1 2 2 7 0

G. State Facility's ID

H. Facility's Phone

501-542-6217

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

a. WASTE FLAMMABLE LIQUID NOS UN 1993
FLAMMABLE LIQUID

12. Containers
No. Type

1 T T

13. Total
Quantity

19850

14. Unit
Wt/Vol

G

15. Waste No.

FO01 FO02
FO03 FO05
D001

J. Additional Descriptions for Materials Listed Above

CHEM-FUEL BLEND

SAMPLE# B-3732

LAB REPORT# TEI # 6332

K. Handling Codes for Wastes Listed Above

if no alternate TSDF, return to generator

15. Special Handling Instructions and Additional Information

RAIL CAR# UTX 47573

RAIL CAR MUST BE WEIGHED

T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER

EMERGENCY SPILL CLEAN UP

CALL: CHEM TREC

1-800-424-9300

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable International and national government regulations and Arkansas state regulations.
If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name

THOMAS J. MURPHY

Signature

Thomas J. Murphy

Month Day Year

10/16/87

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

R. WATTS

Signature

R. Watts

Month Day Year

11/17/87

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

B. V. RICHARDS

Signature

B. V. Richards

Month Day Year

5/14/88

19. Discrepancy Indication Space

20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.

Printed/Typed Name

Frank M. Brown

Signature

Frank M. Brown

Month Day Year

12/5/88

EPA Form 8700-22 (Rev. 4-85) Previous edition is obsolete.

NOTICE: THE ORIGINAL AND NOT LESS THAN TWO (2) COPIES MUST MOVE WITH THE HAZARDOUS WASTE SHIPMENT. ONCE DELIVERED, THE TREATMENT/STORAGE/DISPOSAL FACILITY MUST RETURN THIS ORIGINAL COPY TO THE GENERATOR.

AR 10-88(9-88)

GENERATOR

TRANSPORTER

COLLECTOR



STATE OF ARKANSAS
Department of Pollution Control and Ecology
P. O. Box 9583 Little Rock, Arkansas 72219
Telephone 501-562-7444

Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved. OMB No. 2050-0039. Expires 9-30-88

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. I N D 0 1 6 3 6 0 2 6 5		Manifest Document No. 0 1 7 2		2. Page 1 of 6		Information in the shaded areas is not required by Federal law.	
3. Generator's Name and Mailing Address AMERICAN CHEMICAL SERVICE 420 S. Colfax Avenue Griffith, Indiana 46319 (219)924-4370						A. State Manifest Document Number AR-104875			
4. Generator's Phone						B. State Generator's ID			
5. Transporter 1 Company Name EJE Railroad						6. US EPA ID Number I N D 0 1 0 1 7 8 1 0 2 6 2		C. State Transporter's ID	
7. Transporter 2 Company Name Burlington Northern RR						8. US EPA ID Number M N D 0 4 8 3 4 1 1 7 8 8		D. Transporter's Phone 815-760-6475	
9. Designated Facility Name and Site Address Ash Grove Cement Company Hwy 108 West Foreman, Arkansas						10. US EPA ID Number A R D 1 9 8 1 1 5 1 2 2 7 0		E. State Transporter's ID H73PC772	
								F. Transporter's Phone 800-342-5123	
								G. State Facility's ID	
								H. Facility's Phone 501-542-6217	
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)						12. Containers No. Type		13. Total Quantity	
a. WASTE FLAMMABLE LIQUID NOS UN 1993 FLAMMABLE LIQUID						1 T T		20004	
b.								G	
c.									
d.									
J. Additional Descriptions for Materials Listed Above CHEM-FUEL BLEND SAMPLE# B-3734 LAB REPORT# TEL# 6356						K. Handling Codes for Wastes Listed Above			
if no alternate TSDF, return to generator									
15. Special Handling Instructions and Additional Information RAIL CAR# UTX 41213 RAIL CAR MUST BE WEIGHED T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER 1-800-424-9300						EMERGENCY SPILL CLEAN UP CALL: CHEM TREC			
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and Arkansas state regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.									
Printed/Typed Name THOMAS J. MURPHY						Signature Thomas J. Murphy		Month Day Year 10 4 1 6 87	
17. Transporter 1 Acknowledgement of Receipt of Materials Printed/Typed Name R WATTS						Signature R Watts		Month Day Year 1 1 1 6 87	
18. Transporter 2 Acknowledgement of Receipt of Materials Printed/Typed Name B V RICHARDS						Signature B V Richards		Month Day Year 5 1 4 87	
19. Discrepancy Indication Space									
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19. Printed/Typed Name Frank McDonald						Signature Frank McDonald		Month Day Year 8 5 4 87	

EPA Form 8700-22 (Rev. 4-85) Previous edition is obsolete.

NOTICE: THE ORIGINAL AND NOT LESS THAN TWO (2) COPIES MUST REMAIN WITH THE HAZARDOUS WASTE SHIPMENT. UPON DELIVERY, THE TREATMENT/STORAGE/DISPOSAL FACILITY MUST RETURN THIS ORIGINAL COPY TO THE GENERATOR.



STATE OF ARKANSAS

Department of Pollution Control and Ecology

P. O. Box 9583 Little Rock, Arkansas 72219

Telephone 501-562-7444

Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved. OMB No. 2050-0039. Expires 9-30-85

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No.	Manifest Document No.	2. Page 1 of 6	Information in the shaded areas is not required by Federal law.	
3. Generator's Name and Mailing Address American Chemical Service 420 S. Colfax Avenue Griffith, Indiana 46319 (219)924-4370		4. Generator's Phone		A. State Manifest Document Number AR-104872		
5. Transporter 1 Company Name E J & E Railroad RR		6. US EPA ID Number IND0000780262		B. State Generator's ID		
7. Transporter 2 Company Name Burlington Northern RR		8. US EPA ID Number MND048341788		C. State Transporter's ID		
9. Designated Facility Name and Site Address Ash Grove Cement Company Hwy 108 West Foreman, Arkansas		10. US EPA ID Number ARD981512270		D. Transporter's Phone 815-760-6475		
				E. State Transporter's ID H73PC772		
				F. Transporter's Phone 800-342-5123		
				G. State Facility's ID		
				H. Facility's Phone 501-542-6217		
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers		13. Total Quantity		14. Unit Wt/Vol
a. Waste Flammable liquid Nos UN 1993 Flammable liquid		No. Type		Quantity		Waste No.
		10 1 T T		19821		G F001 F002 F003 F005 D001
b.						
c.						
d.						
J. Additional Descriptions for Materials Listed Above CHEM-FUEL BLEND SAMPLE# B-3730 LAB REPORT# TEL # 6294		K. Handling Codes for Wastes Listed Above				
if no alternate TSDF, return to generator						
15. Special Handling Instructions and Additional Information RAIL CAR# UTLX 41184 RAIL CAR MUST BE WEIGHED T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER 1-800-424-9300 EMERGENCY SPILL CLEAN UP CALL: CHEM TREC						
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and Arkansas state regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.						
Printed/Typed Name THOMAS J. MURPHY		Signature Thomas J. Murphy		Month Day Year 04/14/87		
17. Transporter 1 Acknowledgement of Receipt of Materials Printed/Typed Name R. Watts		Signature R. Watts		Month Day Year 4/14/87		
18. Transporter 2 Acknowledgement of Receipt of Materials Printed/Typed Name D. Richards		Signature D. Richards		Month Day Year 4/14/87		
19. Discrepancy Indication Space						
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19. Printed/Typed Name Frank M. Donald						
Signature Frank M. Donald		Month Day Year 04/14/87				

EPA Form 8700-22 (Rev. 4-85) Previous edition is obsolete.

NOTICE: THE ORIGINAL AND NOT LESS THAN TWO (2) COPIES MUST MOVE WITH THE HAZARDOUS WASTE SHIPMENT. ONCE DELIVERED, THE TREATMENT/STORAGE/DISPOSAL FACILITY MUST RETURN THIS ORIGINAL COPY TO THE GENERATOR.

STATE OF ARKANSAS
Department of Pollution Control and Ecology
P. O. Box 9583 Little Rock, Arkansas 72219
Telephone 501-562-7444

Print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved. OMB No. 2050-0039. Expires 9-30-81

UNIFORM HAZARDOUS
WASTE MANIFEST

1. Generator's US EPA ID No.
I N D 0 1 6 3 6 0 2 6 5 1 0 1 6 8

2. Page 1
of 6

Information in the shaded areas is not
required by Federal law.

3. Generator's Name and Mailing Address
American Chemical Service
420 S. Colfax Avenue
Griffith, Indiana 46319 (219)924-4370

A. State Manifest Document Number

AR-104871

B. State Generator's ID

4. Generator's Phone

5. Transporter 1 Company Name

E J & E Railroad

6. US EPA ID Number

I N D 0 0 0 7 8 0 2 6 2

C. State Transporter's ID

D. Transporter's Phone 815-760-6475

7. Transporter 2 Company Name

Burlington Northern RR

8. US EPA ID Number

M N D 0 4 8 3 4 1 7 8 8

E. State Transporter's ID H73PC772

F. Transporter's Phone 800-342-5123

9. Designated Facility Name and Site Address

Ash Grove Cement Company
Hwy 108 West
Foreman, Arkansas

10. US EPA ID Number

A R D 9 8 1 5 1 2 2 7 0

G. State Facility's ID

H. Facility's Phone

501-542-6217

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

a. WASTE FLAMMABLE LIQUID NOS UN 1993
Flammable Liquid

12. Containers
No. Type

10 1 T T

13. Total
Quantity

1 9 8 4 2

14. Unit
Wt/Vol

G

1. Waste No.

FO01 FO02
FO03 FO05
DO01

J. Additional Descriptions for Materials Listed Above

CHEM-FUEL BLEND

SAMPLE# B-3728

LAB REPORT# TE1 #6261

K. Handling Codes for Wastes Listed Above

if no alternate TSDF, return to generator

15. Special Handling Instructions and Additional Information

RAIL CAR# UTLX 48530

RAIL CAR MUST BE WEIGHED

T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER

EMERGENCY SPILL CLEAN UP

CALL: CHEM TREC

1-800-424-9300

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and Arkansas state regulations.
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Printed/Typed Name

THOMAS J. MURPHY

Signature

Thomas J. Murphy

Month Day Year

10/3/81

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

K WATTS

Signature

K Watts

Month Day Year

11/3/81

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

B V RICHARDS

Signature

B V Richards

Month Day Year

11/1/81

19. Discrepancy Indication Space

20. Facility Owner or Operator Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.

Printed/Typed Name

Frederick Waaler

Signature

Frederick Waaler

Month Day Year

10/4/81

EPA Form 8700-22 (Rev. 4-85) Previous edition is obsolete.

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STATE OF ARKANSAS
Department of Pollution Control and Ecology
P. O. Box 9583 Little Rock, Arkansas 72219
Telephone 501-562-7444

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Form Approved. OMB No. 2050-0039. Expires 9-30-82

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. I N D 0 1 6 3 6 0 2 6 5 1	Manifest Document No. 0 1 6 7	2. Page 1 of 6	Information in the shaded areas is not required by Federal law.	
3. Generator's Name and Mailing Address American Chemical Service 420 S. Colfax Avenue Griffith, Indiana 46319 (219)924-4370				A. State Manifest Document Number AR-104870		
4. Generator's Phone ()				B. State Generator's ID		
5. Transporter 1 Company Name E J & E Railroad		6. US EPA ID Number I N D 0 0 0 7 8 0 2 6 2		C. State Transporter's ID		
7. Transporter 2 Company Name Burlington Northern RR		8. US EPA ID Number M N D 0 4 8 3 4 1 7 8 8		D. Transporter's Phone 815-760-6475		
9. Designated Facility Name and Site Address Ash Grove Cement Company Hwy 108 West Foreman, Arkansas		10. US EPA ID Number A R D 9 8 1 5 1 2 2 7 0		E. State Transporter's ID H73PC772		
				F. Transporter's Phone 800-342-5123		
				G. State Facility's ID		
				H. Facility's Phone 501-542-6217		
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers No. Type		13. Total Quantity	14. Unit Wt/Vol	15. Waste No.
a. WASTE FLAMMABLE LIQUID NOS UN 1993 FLAMMABLE LIQUID		0 1 T T		200006	G	F001 F002 F003 F005 D001
b.						
c.						
d.						
J. Additional Descriptions for Materials Listed Above CHEM-FUEL BLEND SAMPLE # 47104 B-3727 LAB REPORT # TEI # 6254				K. Handling Codes for Wastes Listed Above		
if no alternate TSDF, return to generator						
15. Special Handling Instructions and Additional Information RAIL CAR # TRC X 22989 RAIL CAR MUST BE WEIGHED T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER EMERGENCY SPILL CLEAN UP CALL: CHEM TREC 1-800-424-9300						
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and Arkansas state regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.						
Printed/Typed Name THOMAS J. MURPHY		Signature <i>Thomas J. Murphy</i>		Month Day Year 10/3/87		
17. Transporter 1 Acknowledgement of Receipt of Materials Printed/Typed Name R W H A S		Signature <i>R W H A S</i>		Month Day Year 11/3/87		
18. Transporter 2 Acknowledgement of Receipt of Materials Printed/Typed Name B V Richards		Signature <i>B V Richards</i>		Month Day Year 11/16/87		
19. Discrepancy Indication Space						
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19. Printed/Typed Name Fred Walker						
Signature <i>Fred Walker</i>		Month Day Year 10/4/87				

EPA Form 8700-22 (Rev. 4-85) Previous edition is obsolete.

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STATE OF ARKANSAS
Department of Pollution Control and Ecology
P. O. Box 9583 Little Rock, Arkansas 72219
Telephone 501-562-7444

Print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved. OMB No. 2050-0039. Expires 9-30-88

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. I N D 0 1 6 3 6 0 2 6 5	Manifest Document No. 0 1 6 6	2. Page 1 of 6	Information in the shaded areas is not required by Federal law.	
3. Generator's Name and Mailing Address American Chemical Service 420 S. Colfax Avenue Griffith, Indiana 46319 (219)924-4370				A. State Manifest Document Number AR-104869		
4. Generator's Phone ()				B. State Generator's ID		
5. Transporter 1 Company Name E J & E Railroad		6. US EPA ID Number I N D 0 0 0 7 8 0 2 6 2		C. State Transporter's ID		
7. Transporter 2 Company Name Burlington Northern RR		8. US EPA ID Number M N D 0 4 8 3 4 1 7 8 8		D. Transporter's Phone 815-760-6475		
9. Designated Facility Name and Site Address ASH GROVE CEMENT COMPANY HWY 108 West Foreman, Arkansas		10. US EPA ID Number A R D 9 8 1 5 1 2 2 7 0		E. State Transporter's ID H73PC772		
				F. Transporter's Phone 800-342-5123		
				G. State Facility's ID		
				H. Facility's Phone 501-542-6217		
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)			12. Containers No. Type	13. Total Quantity	14. Unit Wt/Vol	I. Waste No.
a. WASTE FLAMMABLE LIQUID NOS UN 1993 FLAMMABLE LIQUID			0 1 T T	200/19	G	F001 F002 F003 F005 D001
b.						
c.						
d.						
J. Additional Descriptions for Materials Listed Above CHEM-Fuel BLEND SAMPLE# B-3726 LAB REPORT# TEI #6249				K. Handling Codes for Wastes Listed Above		
if no alternate TSDF, return to generator						
15. Special Handling Instructions and Additional Information RAIL CAR# UTLX 41220 RAIL CAR MUST BE WEIGHED T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER EMERGENCY SPILL CLEAN UP CALL: CHEM TREC 1-800-424-9300						
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and Arkansas state regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.						
Printed/Typed Name THOMAS J. MURPHY		Signature Thomas J. Murphy		Month Day Year 10 3 27 87		
17. Transporter 1 Acknowledgement of Receipt of Materials Printed/Typed Name R. Watts		Signature R. Watts		Month Day Year 1 3 27 87		
18. Transporter 2 Acknowledgement of Receipt of Materials Printed/Typed Name B. Richards		Signature B. Richards		Month Day Year 4 17 87		
19. Discrepancy Indication Space						
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19. Printed/Typed Name Fred Walker						
Signature Fred Walker		Month Day Year 10 4 10 87				



STATE OF ARKANSAS
Department of Pollution Control and Ecology
P. O. Box 9583 Little Rock, Arkansas 72219
Telephone 501-562-7444

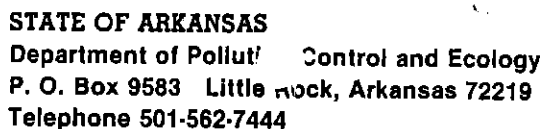
Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved. OMB No. 2050-0039. Expires 9-30-88

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No.		Manifest Document No.		2. Page 1 of 6		Information in the shaded areas is not required by Federal law.	
3. Generator's Name and Mailing Address American Chemical Service 420 S. Colfax Avenue Griffith, Indiana 46319 (219)924-4370		4. Generator's Phone		6. US EPA ID Number IND000780262		A. State Manifest Document Number AR-104868		B. State Generator's ID	
5. Transporter 1 Company Name E J & E Railroad		7. Transporter 2 Company Name Burlington Northern RR		8. US EPA ID Number MND048341788		C. State Transporter's ID		D. Transporter's Phone 815-760-6475	
9. Designated Facility Name and Site Address ASH GROVE CEMENT COMPANY HWY 108 West Foreman, Arkansas		10. US EPA ID Number ARD981151122710		G. State Facility's ID		H. Facility's Phone 501-542-6217			
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers		13. Total Quantity		14. Unit Wt/Vol		15. Waste No.	
a. WASTE FLAMMABLE LIQUID NOS UN 1993 FLAMMABLE LIQUID		No. 01		Type TIT		19895 G		F001 F002 F003 F005 D001	
b.									
c.									
d.									
J. Additional Descriptions for Materials Listed Above CHEM-FUEL BLEND SAMPLE# B-3725		LAB REPORT# TEI# 6241		K. Handling Codes for Wastes Listed Above					
if no alternate TSDF, return to generator									
15. Special Handling Instructions and Additional Information RAIL CAR# UTLX 49971 RAIL CAR MUST BE WEIGHED T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER		EMERGENCY SPILL CLEAN UP CALL: CHEM TREC 1-800-424-9300							
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and Arkansas state regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.		Printed/Typed Name THOMAS J. MURPHY		Signature Thomas J. Murphy		Month Day Year 10/31/87			
17. Transporter 1 Acknowledgement of Receipt of Materials		Printed/Typed Name R. W. H. S.		Signature R. W. H. S.		Month Day Year 11/3/87			
18. Transporter 2 Acknowledgement of Receipt of Materials		Printed/Typed Name B. Richards		Signature B. Richards		Month Day Year 11/8/87			
19. Discrepancy Indication Space									
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in item 19.		Printed/Typed Name Fred Walker		Signature Fred Walker		Month Day Year 10/4/87			

EPA Form 8700-22 (Rev. 4-85) Previous edition is obsolete.

NOTICE: THE ORIGINAL AND NOT LESS THAN TWO (2) COPIES MUST MOVE WITH THE HAZARDOUS WASTE SHIPMENT. ONCE DELIVERED, THE TREATMENT/STORAGE/DISPOSAL FACILITY MUST RETURN THIS ORIGINAL COPY TO THE GENERATOR.



6

Form Approved. OMB No. 2050-0039. Expires 9-30-84

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No.		Manifest Document No.		2. Page 1 of		Information in the shaded areas is not required by Federal law.	
3. Generator's Name and Mailing Address American Chemical Service 20 E. Collins Avenue Chicago, IL 60611						A. State Manifest Document Number AR-104867			
4. Generator's Phone () () () () () ()						B. State Generator's ID			
5. Transporter 1 Company Name J. J. ...				6. US EPA ID Number		C. State Transporter's ID			
7. Transporter 2 Company Name				8. US EPA ID Number		D. Transporter's Phone			
9. Designated Facility Name and Site Address Ark. Snow ...				10. US EPA ID Number		E. State Transporter's ID			
						F. Transporter's Phone			
						G. State Facility's ID			
						H. Facility's Phone			
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)						12. Containers		13. Total Quantity	
						No. Type		14. Unit Wt/Vol	
a. ...								1. Waste No. F001 F002 F003 F005	
b. ...									
c. ...									
d. ...									
J. Additional Descriptions for Materials Listed Above CHEM-FUEL BLEND SAMPLES 2-3/24 LAB REPORTS TEL-6196						K. Handling Codes for Wastes Listed Above			
if no alternate TSDF, return to generator									
15. Special Handling Instructions and Additional Information RAIL CAR 100X 42/80 RAIL CAR MUST BE UNLOADED T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER						END-RECEIVED SPILL CLEAN UP CALL ...			
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and Arkansas state regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.									
Printed/Typed Name						Signature		Month Day Year	
17. Transporter 1 Acknowledgement of Receipt of Materials						Signature		Month Day Year	
Printed/Typed Name						Signature		Month Day Year	
18. Transporter 2 Acknowledgement of Receipt of Materials						Signature		Month Day Year	
Printed/Typed Name						Signature		Month Day Year	
19. Discrepancy Indication Space									
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.									
Printed/Typed Name						Signature		Month Day Year	

EPA Form 8700-22 (Rev. 4-85) Previous edition is obsolete.

GENERATOR INITIAL COPY



STATE OF ARKANSAS

Department of Pollution Control and Ecology

P. O. Box 9583 Little Rock, Arkansas 72219

Telephone 501-562-7444

6

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UNIFORM HAZARDOUS
WASTE MANIFEST

1. Generator's US EPA ID No.

Manifest
Document No.2. Page 1
ofInformation in the shaded areas is not
required by Federal law.

3. Generator's Name and Mailing Address

A. State Manifest Document Number

AR-104866

B. State Generator's ID

4. Generator's Phone ()

5. Transporter 1 Company Name

6.

US EPA ID Number

C. State Transporter's ID

D. Transporter's Phone

7. Transporter 2 Company Name

8.

US EPA ID Number

E. State Transporter's ID

F. Transporter's Phone

9. Designated Facility Name and Site Address

10.

US EPA ID Number

G. State Facility's ID

H. Facility's Phone

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

12. Containers

No.

Type

13. Total
Quantity14. Unit
Wt/Vol

Waste No.

a. HAZARDOUS LIQUID NOS IN 1003
HAZARDOUS LIQUIDF001 F002
F003 F005

b.

c.

d.

J. Additional Descriptions for Materials Listed Above

K. Handling Codes for Wastes Listed Above

CHEM-FUEL-BLEND

SAMPLES B-5123

LAB REPORT TEL# 6199

if no alternate TSDF, return to generator

15. Special Handling Instructions and Additional Information

RAIL CAR/PTX 44/45

RAIL CAR MUST BE WEIGHED

T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER 1000 AND 1000

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and Arkansas state regulations.

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Printed/Typed Name

Signature

Month Day Year

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

19. Discrepancy Indication Space

20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.

Printed/Typed Name

Signature

Month Day Year



STATE OF ARKANSAS
Department of Pollution Control and Ecology
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UNIFORM HAZARDOUS
WASTE MANIFEST

1. Generator's US EPA ID No.

IND0116131610216151011612

Manifest
Document No.

2. Page 1
of 6

Information in the shaded areas is not
required by Federal law.

3. Generator's Name and Mailing Address

American Chemical Service
420 S. Colfax Avenue

Griffith, Indiana 46319 (219)924-4370

4. Generator's Phone

A. State Manifest Document Number

AR-104865

B. State Generator's ID

5. Transporter 1 Company Name

E J & E Railroad

6. US EPA ID Number

IND0007802612

C. State Transporter's ID

D. Transporter's Phone 815-760-6475

7. Transporter 2 Company Name

Burlington Northern RR

8. US EPA ID Number

MIND04813417818

E. State Transporter's ID H73PC772

F. Transporter's Phone 800-342-5123

9. Designated Facility Name and Site Address

Ash Grove Cement Company
Hwy 108 West
Foreman, Arkansas

10. US EPA ID Number

ARD9815122710

G. State Facility's ID

H. Facility's Phone

501-542-6217

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

a. WASTE FLAMMABLE LIQUID NOS UN 1993
FLAMMABLE LIQUID

12. Containers

No.

Type

13.
Total
Quantity

14.
Unit
Wt/Vol

15.
Waste No.

101

T

T

20365

G

FO01 FO02
FO03 FO05
DO01

J. Additional Descriptions for Materials Listed Above

CHEM-FUEL BLEND

SAMPLE# B-3722

LAB REPORT# TEI #6179

K. Handling Codes for Wastes Listed Above

if no alternate TSDF, return to generator

15. Special Handling Instructions and Additional Information

RAIL CAR #TMCX 22976

RAIL CAR MUST BE WEIGHED

T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER

EMERGENCY SPILL CLEAN UP

CALL: CHEM TREC

1-800-424-9300

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and Arkansas state regulations.
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Printed/Typed Name

THOMAS J. MURPHY

Signature

Thomas J. Murphy

Month Day Year

10/31/98

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

RWAKS

Signature

RWAKS

Month Day Year

1/3/98

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

BV Biederman

Signature

BV Biederman BV Aug

Month Day Year

10/40/2181

19. Discrepancy Indication Space

20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.

Printed/Typed Name

Fred Walker

Signature

Fred Walker

Month Day Year

10/40/2181

EPA Form 8700-22 (Rev. 4-85) Previous edition is obsolete.

NOTICE: THE ORIGINAL AND NOT LESS THAN TWO (2) COPIES MUST ABOVE WITH THE HAZARDOUS WASTE SHIPMENT. ONCE DELIVERED, THE TREATMENT/STORAGE/DISPOSAL FACILITY MUST RETURN THIS ORIGINAL COPY TO THE GENERATOR.

AR 10-88(9-88)

GENERATOR

TRANSPORTER

ILITY



STATE OF ARKANSAS
Department of Pollution Control and Ecology
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Telephone 501-562-7444

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UNIFORM HAZARDOUS
WASTE MANIFEST

1. Generator's US EPA ID No.

Manifest
Document No.

2. Page 1
of 6

Information in the shaded areas is not
required by Federal law.

3. Generator's Name and Mailing Address

American Chemical Service

420 S. Colfax Avenue

Griffith, Indiana 46319 (219)924-4370

4. Generator's Phone

A. State Manifest Document Number

AR-104864

B. State Generator's ID

5. Transporter 1 Company Name

E J & E Railroad

6.

US EPA ID Number

I N D 0 0 0 7 8 0 2 6 2

C. State Transporter's ID

D. Transporter's Phone 815-760-6475

7. Transporter 2 Company Name

Burlington Northern RR

8.

US EPA ID Number

M N D 0 4 8 3 4 1 7 8 8

E. State Transporter's ID H73PC772

F. Transporter's Phone 800-342-5123

9. Designated Facility Name and Site Address

Ash Grove Cement Company

Hwy 108 West

Foreman, Arkansas

10.

US EPA ID Number

A R D 9 8 1 5 1 2 2 7 0

G. State Facility's ID

H. Facility's Phone

501-542-6217

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

12. Containers

No.

Type

13.
Total
Quantity

14.
Unit
Wt/Vol

15.
Waste No.

a.

WASTE FLAMMABLE LIQUID NOS UN 1993
Flammable liquid

10

1

T

T

20

1

38

G

FO01 FO02
FO03 FO05
D001

b.

c.

d.

J. Additional Descriptions for Materials Listed Above

CHEM-FUEL BLEND

SAMPLE# B-3721

Lab Report# TEL-6170

K. Handling Codes for Wastes Listed Above

if no alternate TSDF, return to generator

15. Special Handling Instructions and Additional Information

RAIL CAR# UTX 47559

RAIL CAR MUST BE WEIGHED

T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER

EMERGENCY SPILL CLEAN UP

CALL: CHEM TREC

1-800-424-9300

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and Arkansas state regulations.

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Printed/Typed Name

THOMAS J. MURPHY

Signature

Thomas J. Murphy

Month Day Year

10/31/78

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

BUA

Signature

BUA

Month Day Year

1/3/78

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

BU Richards

Signature

BU Richards BU Aug

Month Day Year

1/9/78

19. Discrepancy Indication Space

20. Facility Owner or Operator. Certification of receipt of hazardous materials covered by this manifest except as noted in item 19.

Printed/Typed Name

Fred Walker

Signature

Fred Walker

Month Day Year

10/4/78



STATE OF ARKANSAS

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UNIFORM HAZARDOUS
WASTE MANIFEST

1. Generator's US EPA ID No.

I N D 0 1 6 3 6 0 2 6 5

Manifest
Document No.

0 1 6 0

2. Page 1

of 6

Information in the shaded areas is not
required by Federal law.

3. Generator's Name and Mailing Address

American Chemical Service

420 S. Colfax Avenue

Griffith, Indiana 46319

(219)924-4370

4. Generator's Phone

A. State Manifest Document Number

AR-104863

B. State Generator's ID

5. Transporter 1 Company Name

E J & E Railroad

6.

US EPA ID Number

I N D 0 0 0 7 8 0 2 6 2

C. State Transporter's ID 815-760-6475

D. Transporter's Phone XXXXXXXX

7. Transporter 2 Company Name

Burlington Northern RR

8.

US EPA ID Number

M N D 0 4 8 3 4 1 7 8 8

E. State Transporter's ID H73PC772

F. Transporter's Phone 800-342-5123

9. Designated Facility Name and Site Address

ASH GROVE CEMENT COMPANY

HWY 108 West

Foreman, Arkansas

10.

US EPA ID Number

A R D 9 8 1 5 1 2 2 7 0

G. State Facility's ID

H. Facility's Phone

501-542-6217

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

a.

WASTE FLAMMABLE LIQUID NOS UN 1993
FLAMMABLE LIQUID

12. Containers

No.

Type

13.
Total
Quantity14.
Unit
Wt/Vol15.
Waste No.

0 1

T T

2 0 1 5 9

G

F001 F002
F003 F005
D001

b.

c.

d.

J. Additional Descriptions for Materials Listed Above

CHEM-FUEL BLEND

SAMPLE# B-3720

LAB REPORT# TEL #6145

K. Handling Codes for Wastes Listed Above

if no alternate TSDF, return to generator

15. Special Handling Instructions and Additional Information

RAIL CAR# UTLX 47573

RAIL CAR MUST BE WEIGHED

T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER 1-800-424-9300

EMERGENCY SPILL CLEAN UP

CALL: CHEM TREC

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and Arkansas state regulations.

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Printed/Typed Name

THOMAS J. MURPHY

Signature

Thomas J. Murphy

Month Day Year

10 31 28 7

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

J WATKINS

Signature

J Watkins

Month Day Year

1 3 1 2 8 7

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

B V Richards

Signature

B V Richards

Month Day Year

3 1 8 7

19. Discrepancy Indication Space

CITY

20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in item 19.

Printed/Typed Name

FRANK M. DOWD

Signature

Frank M. Dowd

Month Day Year

8 22 5 8 1

EPA Form 8700-22 (Rev. 4-85) Previous edition is obsolete.

NOTICE: THE ORIGINAL AND NOT LESS THAN TWO (2) COPIES MUST MOVE WITH THE HAZARDOUS WASTE SHIPMENT. ONCE DELIVERED, THE TREATMENT/STORAGE/DISPOSAL FACILITY MUST RETURN THIS ORIGINAL COPY TO THE GENERATOR.



STATE OF ARKANSAS

Department of Pollution Control and Ecology

P. O. Box 9583 Little Rock, Arkansas 72219

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UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No.	Manifest Document No.	2. Page 1 of 6	Information in the shaded areas is not required by Federal law.	
3. Generator's Name and Mailing Address American Chemical Service 420 S. Colfax Avenue Griffith, Indiana 46319 (219)924-4370		4. Generator's Phone		A. State Manifest Document Number AR-104862		
5. Transporter 1 Company Name E J & E Railroad		6. US EPA ID Number IND000780262		B. State Generator's ID		
7. Transporter 2 Company Name Burlington Northern RR		8. US EPA ID Number MND048341788		C. State Transporter's ID		
9. Designated Facility Name and Site Address Ash Grove Cement Company HWY 108 West Foreman, Arkansas		10. US EPA ID Number ARD981512270		D. Transporter's Phone 815-760-6475		
				E. State Transporter's ID H73PC772		
				F. Transporter's Phone 800-342-5123		
				G. State Facility's ID		
				H. Facility's Phone 501-542-6217		
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers		13. Total Quantity	14. Unit Wt/Vol	I. Waste No.
a. Waste Flammable liquid NOS UN 1993 Flammable Liquid		No. Type				
		101 T T		20365	G	F001 F002 F003 F005 D001
b.						
c.						
d.						
J. Additional Descriptions for Materials Listed Above CHEM-FUEL BLEND SAMPLE# B-3719		LAB REPORT# TEL 6125		K. Handling Codes for Wastes Listed Above		
if no alternate TSDF, return to generator						
15. Special Handling Instructions and Additional Information RAIL CAR# TMCX 23209 RAIL CAR MUST BE WEIGHED T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER		EMERGENCY SPILL CLEAN UP CALL: CHEM TREC 1-800-424-9300				
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and Arkansas state regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.						
Printed/Typed Name THOMAS J. MURPHY		Signature <i>Thomas J. Murphy</i>		Month Day Year 10/31/08		
17. Transporter 1 Acknowledgement of Receipt of Materials Printed/Typed Name R WATKINS		Signature <i>R Watkins</i>		Month Day Year 11/2/08		
18. Transporter 2 Acknowledgement of Receipt of Materials Printed/Typed Name G V RICHARDS		Signature <i>G V Richards</i>		Month Day Year 3/18/09		
19. Discrepancy Indication Space						
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.						
Printed/Typed Name FRANK M. DRAKE		Signature <i>Frank M. Drake</i>		Month Day Year 11/3/08		

EPA Form 8700-22 (Rev. 4-85) Previous edition is obsolete.

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UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No.	Manifest Document No.	2. Page 1 of 6	Information in the shaded areas is not required by Federal law.	
3. Generator's Name and Mailing Address AMERICAN CHEMICAL SERVICE 420 S. Colfax Avenue Griffith, Indiana 46319 (219) 924-4370		4. Generator's Phone		A. State Manifest Document Number AR-104861		
5. Transporter 1 Company Name E J & E Railroad		6. US EPA ID Number IND000780262		B. State Generator's ID		
7. Transporter 2 Company Name Burlington Northern RR		8. US EPA ID Number MND048341788		C. State Transporter's ID		
9. Designated Facility Name and Site Address Ash Grove Cement Company HWY 108 West Foreman, Arkansas		10. US EPA ID Number ARD981512270		D. Transporter's Phone 815-760-6475		
				E. State Transporter's ID H73PC772		
				F. Transporter's Phone 800-342-5123		
				G. State Facility's ID		
				H. Facility's Phone 501-542-6217		
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers No.	Type	13. Total Quantity	14. Unit Wt/Vol	15. Waste No.
a. WASTE FLAMMABLE LIQUID NOS UN 1993 Flammable Liquid		101	TT	20321	G	FOO1 FOO2 FOO3 FOO5 D001
b.						
c.						
d.						
J. Additional Descriptions for Materials Listed Above CHEM-FUEL BLEND SAMPLE# B-3718 LAB REPORT# TEI # 6120		K. Handling Codes for Wastes Listed Above				
if no alternate TSDF, return to generator						
15. Special Handling Instructions and Additional Information RAIL CAR# TMCX 22991 RAIL CAR MUST BE WEIGHED T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER 1-800-424-9300 EMERGENCY SPILL CLEAN UP CALL: CHEM TREC						
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and Arkansas state regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.						
Printed/Typed Name THOMAS J. MURPHY		Signature Thomas J. Murphy		Month Day Year 03/10/87		
17. Transporter 1 Acknowledgement of Receipt of Materials Printed/Typed Name R. Watts		Signature R. Watts		Month Day Year 03/10/87		
18. Transporter 2 Acknowledgement of Receipt of Materials Printed/Typed Name B. Richards		Signature B. Richards		Month Day Year 03/10/87		
19. Discrepancy Indication Space						
20. Facility Owner or Operator. Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19. Printed/Typed Name Frank McDonald		Signature Frank McDonald		Month Day Year 03/18/87		

EPA Form 8700-22 (Rev. 4-85) Previous edition is obsolete.

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UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. I N D 0 1 6 3 6 0 2 6 5	Manifest Document No. 0 1 5 6	2. Page 1 of 6	Information in the shaded areas is not required by Federal law.	
3. Generator's Name and Mailing Address AMERICAN CHEMICAL SERVICE 420 S. Colfax Avenue Griffith, Indiana 46319 (219)924-4370				A. State Manifest Document Number AR-104859		
4. Generator's Phone				B. State Generator's ID		
5. Transporter 1 Company Name E J & E Railroad				C. State Transporter's ID		
6. US EPA ID Number I N D 0 0 0 7 8 0 2 6 2				D. Transporter's Phone 815-760-6475		
7. Transporter 2 Company Name Burlington Northern RR				E. State Transporter's ID H73PC772		
8. US EPA ID Number M N D 0 4 8 3 4 1 7 8 8				F. Transporter's Phone 800-342-5123		
9. Designated Facility Name and Site Address Ash Grove Cement Company HWY 108 West Foreman, Arkansas				G. State Facility's ID		
10. US EPA ID Number A R D 9 8 1 5 1 2 2 7 0				H. Facility's Phone 501-542-6217		
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers No. Type		13. Total Quantity	14. Unit Wt/Vol	15. Waste No.
a. Waste Flammable liquid NOS UN 1993 Flammable Liquid		0 1 T T		2 0 3 3 6	G	FO01 FO02 FO03 FO05 D001
b. -						
c.						
d.						
J. Additional Descriptions for Materials Listed Above Chem-Fuel Blend Sample# B-3716 Lab Report# TE1 #6090				K. Handling Codes for Wastes Listed Above		
if no alternate TSDF, return to generator						
15. Special Handling Instructions and Additional Information Rail Car# TMCX 22995 Rail Car Must Be Weighed T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER						
EMERGENCY SPILL CLEAN UP CALL: CHEM TREC 1-800-424-9300						
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and Arkansas state regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.						
Printed/Typed Name THOMAS J. MURPHY		Signature Thomas J. Murphy		Month Day Year 10 3 05 87		
17. Transporter 1 Acknowledgement of Receipt of Materials Printed/Typed Name K. H. H. S.		Signature K. H. H. S.		Month Day Year 1 3 1 5 87		
18. Transporter 2 Acknowledgement of Receipt of Materials Printed/Typed Name B. V. Richards		Signature B. V. Richards		Month Day Year 3 18 87		
19. Discrepancy Indication Space						
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19. Printed/Typed Name Frank McDaniel						
Signature Frank McDaniel		Month Day Year 03 16 87				

EPA Form 8700-22 (Rev. 4-85) Previous edition is obsolete.

NOTICE: THE ORIGINAL AND NOT LESS THAN TWO (2) COPIES MUST MOVE WITH THE HAZARDOUS WASTE SHIPMENT. ONCE DELIVERED, THE TREATMENT/STORAGE/DISPOSAL FACILITY MUST RETURN THIS ORIGINAL COPY TO THE GENERATOR.



STATE OF ARKANSAS

Department of Pollution Control and Ecology

P. O. Box 9583 Little Rock, Arkansas 72219

Telephone 501-562-7444

Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved. OMB No. 2050-0039. Expires 9-30-86

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. I N D 0 1 6 3 6 0 2 6 5	Manifest Document No. 1 0 1 5 7	2. Page 1 of 6	Information in the shaded areas is not required by Federal law.	
3. Generator's Name and Mailing Address American Chemical Service 420 S. Colfas Avenue Griffith, Indiana 46319 4. Generator's Phone () (219) 924-4370				A. State Manifest Document Number AR-104860		
5. Transporter 1 Company Name E J & E Railroad		6. US EPA ID Number I N D 0 0 0 7 8 0 2 6 2		B. State Generator's ID		
7. Transporter 2 Company Name Burlington Northern RR		8. US EPA ID Number M N D 0 4 8 3 4 1 7 8 8		C. State Transporter's ID		
9. Designated Facility Name and Site Address Ash Grove Cement Company HWY 108 West Foreman, Arkansas		10. US EPA ID Number A R D 9 8 1 5 1 2 2 7 0		D. Transporter's Phone 815-760-6475		
				E. State Transporter's ID H73PC772		
				F. Transporter's Phone 800-342-5123		
				G. State Facility's ID		
				H. Facility's Phone 501-542-6217		
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers No.	Type	13. Total Quantity	14. Unit Wt/Vol	15. Waste No.
a. WASTE FLAMMABLE LIQUID NOS UN 1993 FLAMMABLE LIQUID		101	TT	201.52	G	FOO1 FOO2 FOO3 FOO5 D001
b.						
c.						
d.						
J. Additional Descriptions for Materials Listed Above CHEM-FUEL BLEND SAMPLE# B-3717 LAB REPORT# TEI-6100		K. Handling Codes for Wastes Listed Above				
if no alternate TSDF, return to generator						
15. Special Handling Instructions and Additional Information RAIL CAR# UTLX 47571 UTLX 47571 RAIL CAR MUST BE WEIGHED T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER		EMERGENCY SPILL CLEAN UP CALL: CHEM TREC 1-800-424-9300				
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and Arkansas state regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.						
Printed/Typed Name THOMAS J. MURPHY		Signature Thomas J. Murphy		Month Day Year 03/10/87		
17. Transporter 1 Acknowledgement of Receipt of Materials Printed/Typed Name RWATS		Signature RWATS		Month Day Year 1/3/88		
18. Transporter 2 Acknowledgement of Receipt of Materials Printed/Typed Name B V Richards		Signature B V Richards		Month Day Year 3/8/88		
19. Discrepancy Indication Space						
20. Facility Owner or Operator. Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19. Printed/Typed Name Frank M. D... Signature Frank M. D... Month Day Year 03/18/87						

EPA Form 8700-22 (Rev. 4-85) Previous edition is obsolete.

NOTICE: THE ORIGINATOR AND NOT LESS THAN TWO (2) COPIES MUST ACCOMPANY THE HAZARDOUS WASTE TO THE TREATMENT/STORAGE/DISPOSAL FACILITY. THE TREATMENT/STORAGE/DISPOSAL FACILITY MUST RETURN THIS ORIGINAL COPY TO THE GENERATOR.



STATE OF ARKANSAS
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Form Approved. OMB No. 2050-0039. Expires 9-30-8.

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No.	Manifest Document No.	2. Page 1 of 6	Information in the shaded areas is not required by Federal law.	
3. Generator's Name and Mailing Address AMERICAN CHEMICAL SERVICE 420 S. Colfax Avenue Griffith, Indiana 46319		4. Generator's Phone (219) 924-4370		A. State Manifest Document Number AR-104858		
5. Transporter 1 Company Name E J & E Railroad		6. US EPA ID Number I N D 0 0 0 7 8 0 2 6 2		C. State Transporter's ID		
7. Transporter 2 Company Name Burlington Northern RR		8. US EPA ID Number M N D 0 4 8 3 4 1 7 8 8		D. Transporter's Phone 815-760-6475		
9. Designated Facility Name and Site Address Ash Grove Cement Company HWY 108 West Foreman, AR		10. US EPA ID Number A R D 9 8 1 5 1 2 2 7 0		E. State Transporter's ID H73PC772		
				F. Transporter's Phone 800-342-5123		
				G. State Facility's ID		
				H. Facility's Phone 501-542-6217		
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers		13. Total Quantity		14. Unit Wt/Vol
a. Waste Flammable liquid NOS UN 1993 Flammable Liquid		No. Type 10 1 T T		20317		G
b.						
c.						
d.						
J. Additional Descriptions for Materials Listed Above CHEM-FUEL BLEND SAMPLE# B-3715 LAB REPORT# TEL-6090		K. Handling Codes for Wastes Listed Above				
if no alternate TSDF, return to generator						
15. Special Handling Instructions and Additional Information RAIL CAR# Tmex 22989 RAIL CAR MUST BE WEIGHED T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER						
EMERGENCY SPILL CLEAN UP CALL: CHEM TREC 1-800-424-9300						
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Printed/Typed Name THOMAS J. MURPHY		Signature Thomas J. Murphy		Month Day Year 03 03 89		
17. Transporter 1 Acknowledgement of Receipt of Materials Printed/Typed Name RWATTS		Signature RWATTS		Month Day Year 1 31 87		
18. Transporter 2 Acknowledgement of Receipt of Materials Printed/Typed Name B. Richards		Signature B. Richards		Month Day Year 1 31 87		
19. Discrepancy Indication Space						
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19. Printed/Typed Name Frank M. David						
Signature Frank M. David		Month Day Year 03 16 87				

EPA Form 8700-22 (Rev. 4-85) Previous edition is obsolete.

NOTICE: THE ORIGINAL AND NOT LESS THAN TWO (2) COPIES MUST MOVE WITH THE HAZARDOUS WASTE SHIPMENT. ONCE DELIVERED, THE TREATMENT/STORAGE/DISPOSAL FACILITY MUST RETURN THIS ORIGINAL COPY TO THE GENERATOR.



STATE OF ARKANSAS
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Form Approved. OMB No. 2050-0039. Expires 9-30-87

UNIFORM HAZARDOUS
WASTE MANIFEST

1. Generator's US EPA ID No.

I N D O I 1 6 3 6 0 2 6 5 1

Manifest
Document No.

0 1 1 5 4

2. Page 1

of 6

Information in the shaded areas is not
required by Federal law.

3. Generator's Name and Mailing Address

AMERICAN CHEMICAL SERVICE

420 S. Colfax Avenue

Griffith, Indiana 46319 (219)924-4370

4. Generator's Phone

A. State Manifest Document Number

AR-104857

B. State Generator's ID

5. Transporter 1 Company Name

E J & E Railroad

6.

US EPA ID Number

I N D O I 0 0 7 8 0 2 6 2

C. State Transporter's ID

D. Transporter's Phone 815-760-6475

7. Transporter 2 Company Name

Burlington Northern RR

8.

US EPA ID Number

M N D O I 4 8 3 4 1 7 8 8

E. State Transporter's ID H73PC772

F. Transporter's Phone 800-342-5123

9. Designated Facility Name and Site Address

Ash Grove Cement Company

Hwy 108 West

Foreman, Arkansas

10.

US EPA ID Number

A R D 9 8 1 5 1 2 2 7 0

G. State Facility's ID

H. Facility's Phone

501-542-6217

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

a.

Waste Flammable liquid Nos UN 1993
Flammable liquid

12. Containers
No. Type

0 1 T T

13. Total
Quantity

2 0 1 5 1

14. Unit
Wt/Vol

G

1. Waste No.

FO01 FO02
FO03 FO05
DO01

J. Additional Descriptions for Materials Listed Above

CHEM-FUEL BLEND

SAMPLE# B-3714

LAB REPORT# TEL 6075

K. Handling Codes for Wastes Listed Above

if no alternate TSDF, return to generator

15. Special Handling Instructions and Additional Information

RAIL CAR# UTX 48530

RAIL CAR MUST BE WEIGHED

T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER

EMERGENCY SPILL CLEAN UP

CALL: CHEM TREC

1-800-424-9300

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and Arkansas state regulations.
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Printed/Typed Name

THOMAS J. MURPHY

Signature

Thomas J. Murphy

Month Day Year

10 21 86

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

R. W. H. S.

Signature

R. W. H. S.

Month Day Year

1 2 27 87

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

B. K. H. S.

Signature

B. K. H. S.

Month Day Year

3 1 87

19. Discrepancy Indication Space

20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.

Printed/Typed Name

Frank McDonald

Signature

Frank McDonald

Month Day Year

9 3 16 87

EPA Form 8700-22 (Rev. 4-85) Previous edition is obsolete.

NOTICE: THE ORIGINAL AND NOT LESS THAN TWO (2) COPIES MUST REMAIN WITH THE HAZARDOUS WASTE SHIPMENT. ONCE DELIVERED, THE TREATMENT/STORAGE/DISPOSAL FACILITY MUST RETURN THIS ORIGINAL COPY TO THE GENERATOR.



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UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No.	Manifest Document No.	2. Page 1 of 6	Information in the shaded areas is not required by Federal law.	
3. Generator's Name and Mailing Address American Chemical Service 420 S. Colfax Avenue Griffith, Indiana 46319		6. US EPA ID Number IND00163602651		A. State Manifest Document Number AR-104856		
4. Generator's Phone (219)924-4370		7. Transporter 1 Company Name E J & E Railroad		B. State Generator's ID		
5. Transporter 1 Company Name E J & E Railroad		6. US EPA ID Number IND0000780262		C. State Transporter's ID		
7. Transporter 2 Company Name Burlington Northern RR		8. US EPA ID Number MND048341788		D. Transporter's Phone 815-760-6475		
9. Designated Facility Name and Site Address Ash Grove Cement Company Hwy 108 West Foreman, Arkansas		10. US EPA ID Number ARD981512270		E. State Transporter's ID H73PC772		
				F. Transporter's Phone 800-342-5123		
				G. State Facility's ID		
				H. Facility's Phone 501-542-6217		
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers	13. Total Quantity	14. Unit	15. Waste No.	
a. Waste Flammable liquid Nos UN 1993 Flammable Liquid		No. 101	Type TTT	23582	G	
b.						
c.						
d.						
J. Additional Descriptions for Materials Listed Above CHEM-FUEL BLEND SAMPLE# B-3713		K. Handling Codes for Wastes Listed Above LAB REPORT# TEL#6057				
if no alternate TSDF, return to generator						
15. Special Handling Instructions and Additional Information RAIL CAR# NORTX 24943 RAIL CAR MUST BE WEIGHED T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER		EMERGENCY SPILL CLEAN-UP CALL: CHEM TREC 1-800-424-9300				
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and Arkansas state regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.						
Printed/Typed Name THOMAS J. MURPHY		Signature Thomas J. Murphy		Month Day Year 10/2/87		
17. Transporter 1 Acknowledgement of Receipt of Materials Printed/Typed Name B. W. H. S.		Signature B. W. H. S.		Month Day Year 1/2/88		
18. Transporter 2 Acknowledgement of Receipt of Materials Printed/Typed Name B. W. H. S.		Signature B. W. H. S.		Month Day Year 3/1/88		
19. Discrepancy Indication Space						
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19. Printed/Typed Name K. P. K. M. D. S.						
Signature K. P. K. M. D. S.						
Month Day Year 10/2/87						

EPA Form 8700-22 (Rev. 4-85) Previous edition is obsolete.

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Form Approved. OMB No. 2050-0039. Expires 9-30-88

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. I N D 0 1 1 6 1 3 1 6 0 2 1 6 1 5 1 0 1 1 5 1 2	Manifest Document No. 0 1 1 5 1 2	2. Page 1 of 6	Information in the shaded areas is not required by Federal law.	
3. Generator's Name and Mailing Address AMERICAN CHEMICAL SERVICE 420 S. Colfax Avenue Griffith, Indiana 46319 (219)924-4370				A. State Manifest Document Number AR-104855		
4. Generator's Phone				B. State Generator's ID		
5. Transporter 1 Company Name E J & E Railroad		6. US EPA ID Number I N D 0 0 0 7 8 0 2 1 6 1 2		C. State Transporter's ID		
7. Transporter 2 Company Name Burlington Northern RR		8. US EPA ID Number M N D 0 4 8 3 4 1 7 8 8		D. Transporter's Phone 815-760-6475		
9. Designated Facility Name and Site Address Ash Grove Cement Company Hwy 108 West Foreman, Arkansas		10. US EPA ID Number A R D 9 8 1 5 1 2 2 7 0		E. State Transporter's ID H73PC772		
				F. Transporter's Phone 800-342-5123		
				G. State Facility's ID		
				H. Facility's Phone 501-542-6217		
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)			12. Containers No. Type	13. Total Quantity	14. Unit Wt/Vol	15. Waste No.
a. Waste Flammable liquid NOS UN 1993 Flammable Liquid			0 1 T T	2 0 1 4 3	G	FO01 FO02 FO03 FO05 D001
b.						
c.						
d.						
J. Additional Descriptions for Materials Listed Above CHEM-FUEL BLEND SAMPLE# B-3711 LAB REPORT# TE1 #6053				K. Handling Codes for Wastes Listed Above		
if no alternate TSDF, return to generator						
15. Special Handling Instructions and Additional Information RAIL CAR# UTLX 48120 RAIL CAR MUST BE WEIGHED T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER				EMERGENCY SPILL CLEAN-UP CALL: CHEM TREC 1-800-424-9300		
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and Arkansas state regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.						
Printed/Typed Name THOMAS J. MURPHY			Signature Thomas J. Murphy		Month Day Year 10 2 27 87	
17. Transporter 1 Acknowledgement of Receipt of Materials Printed/Typed Name RWAT			Signature RWAT		Month Day Year 10 2 27 87	
18. Transporter 2 Acknowledgement of Receipt of Materials Printed/Typed Name			Signature		Month Day Year	
19. Discrepancy Indication Space						
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19. Printed/Typed Name Frank McDonald						
			Signature Frank McDonald		Month Day Year 10 2 27 87	

EPA Form 8700-22 (Rev. 4-85) Previous edition is obsolete.

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Form Approved. OMB No. 2050-0039. Expires 9-30-88

UNIFORM HAZARDOUS WASTE MANIFEST

1. Generator's US EPA ID No.

IND016360265

Manifest Document No.

0009

2. Page 1 of 6

Information in the shaded areas is not required by Federal law, but items D, F, H and I are required by State law.

3. Generator's Name and Mailing Address

American Chemical Service

420 S. Colfax Avenue

Griffith, Indiana 46319 (219)924-4370

4. Generator's Phone

A. State Manifest Document Number

INA 0117666

B. State Generator's ID

5. Transporter 1 Company Name

RJE Railroad

6. Use EPA ID Number

IND0000780262

C. State Transporter's ID

D. Transporter's Phone 815-760-6475

7. Transporter 2 Company Name

Burlington Northern

8. Use EPA ID Number

IND0048341788

E. State Transporter's ID

F. Transporter's Phone 800-342-5123

9. Designated Facility Name and Site Address

Ash Grove Cement

Highway 50 & 66

Louisville, NB 60837

10. Use EPA ID Number

NE00007260672

G. State Facility's ID

H. Facility's Phone

1-402-234-2415

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

12. Containers

No. Type

13. Total Quantity

14. Unit Wt/Vol.

15. Waste No.

a. WASTE FLAMMABLE LIQUID NOS UN 1993
FLAMMABLE LIQUID

01TC

20.008

G

FO01 FO02
FO03 FO05
DO01

b.					
c.					
d.					

J. Additional Descriptions for Materials Listed Above

CHEM-FUEL BLEND

SAMPLE# LAB REPROT#

K. Handling Codes for Wastes Listed Above

15. Special Handling Instructions and Additional Information

Rail Car#

Rail car must be weighed

T/C to be returned via reverse routing to original shipper

EMERGENCY SPILL CLEAN UP CALL:

CHEM TREC 1-800-424-9300

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Printed/Typed Name

Signature

Month Day Year
.6 2.6 8.7

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year
.6 2.6 8.7

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year
.6 2.6 8.7

19. Discrepancy Indication Space

20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted Item 19.

Printed/Typed Name

Signature

Month Day Year
.6 2.6 8.7



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Form Approved. OMB No. 2050-0039. Expires 9-30-88

UNIFORM HAZARDOUS WASTE MANIFEST

1. Generator's US EPA ID No.

IND016360265

Manifest Document No.

0007

2. Page 1

6

Information in the shaded areas is not required by Federal law, but items D, F, H and I are required by State law.

3. Generator's Name and Mailing Address

American Chemical Service

420 S. Colfax Avenue

Griffith, IN 46319 (219)924-4370

4. Generator's Phone ()

A. State Manifest Document Number

INA 0117664

B. State Generator's ID

5. Transporter 1 Company Name

EJE Railroad

6. Use EPA ID Number

IND000780262

C. State Transporter's ID

D. Transporter's Phone 315-760-6475

7. Transporter 2 Company Name

Burlington Northern

8. Use EPA ID Number

IND048341788

E. State Transporter's ID

F. Transporter's Phone 800-342-5123

9. Designated Facility Name and Site Address

Ash Grove Cement

Highway 50 & 66

Louisville, NB 60837

10. Use EPA ID Number

IND0007260672

G. State Facility's ID

H. Facility's Phone

1-402-234-2415

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

12. Containers

No.

Type

13. Total Quantity

14. Unit Wt/Vol.

15. Waste No.

a.

WASTE FLAMMABLE LIQUID NOS UN 1993
FLAMMABLE LIQUID

01TC

20025 G

F001 F002
F003 F005
D001

b.

c.

d.

J. Additional Descriptions for Materials Listed Above

CHEM-FUEL BLEND

SAMPLE#

LAB REPORT#

K. Handling Codes for Wastes Listed Above

15. Special Handling Instructions and Additional Information

RAIL CAR#

RAIL CAR MUST BE WEIGHED

T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER

EMERGENCY SPILL CLEAN UP CALL:

CHEM TREC 1-800-424-9300

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations.

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Printed/Typed Name

Signature

Month

Day

Year

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month

Day

Year

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month

Day

Year

19. Discrepancy Indication Space

20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted Item 19.

Printed/Typed Name

Signature

Month

Day

Year



PLEASE PRINT OR TYPE

(Form designed for use on elite (12-pitch) typewriter.)

Form Approved, OMB No. 2050-0039, Expires 9-30-88

**UNIFORM HAZARDOUS
WASTE MANIFEST**

1. Generator's US EPA ID No.

IND016360265

Manifest
Document No.

000000

2. Page 1
of 6

Information in the shaded areas is
not required by Federal law, but
items D, F, H and I are required by
State law.

3. Generator's Name and Mailing Address

AMERICAN CHEMICAL SERVICE

420 S. Colfax Avenue

Griffith, IN 46319 (219)924-4370

4. Generator's Phone ()

A. State Manifest Document Number

INA 0117663

B. State Generator's ID

5. Transporter 1 Company Name

EJE RAILROAD

6. Use EPA ID Number

IND000780262

C. State Transporter's ID

D. Transporter's Phone **815-760-6473**

7. Transporter 2 Company Name

Burlington Northern

8. Use EPA ID Number

IND048341788

E. State Transporter's ID

F. Transporter's Phone **800-342-5123**

9. Designated Facility Name and Site Address

Ash Grove Cement

Highway 50 & 66

Louisville, NB 60837

10. Use EPA ID Number

NE0007260672

G. State Facility's ID

H. Facility's Phone

1-402-234-2415

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

12. Containers

No. Type

13. Total
Quantity

14. Unit
Wt/Vol.

15. Waste No.

GENERATOR

a.

**WASTE FLAMMABLE LIQUID NOS UN 1993
FLAMMABLE LIQUID**

01TC

2004.7

G

F001 F002
F003 F005
D001

c.

d.

J. Additional Descriptions for Materials Listed Above

CHEM-FUEL BLEND

SAMPLE#

LAB REPORT#

K. Handling Codes for Wastes Listed Above

**EXCEPTED MATERIAL
EXCEPTED MATERIAL**

15. Special Handling Instructions and Additional Information

RAIL CAR#

RAIL CAR MUST BE WEIGHED

T/C TO BE RETURNED VIA REVERSE ROUTING TO ORIGINAL SHIPPER

**EMERGENCY SPILL CLEAN UP CALL:
CHEM TREC 1-800-424-9300**

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations.

If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name

Signature

Month Day Year

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

19. Discrepancy Indication Space

TRANSPORTER

FACILITY

20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted Item 19.

Printed/Typed Name

Signature

Month Day Year

James

FRED. S. JAMES & CO. OF ILLINOIS 230 West Monroe Street, Chicago, Illinois 60606 312 346-3000 Telex 255121

February 6, 1987

Mr. John J. Murphy
Vice President
American Chemical Service, Inc.
P.O. Box 190
Griffith, IN 46319

Re: EPIC/RRG

Dear John:

Enclosed is the material I recently gathered from Alexander & Alexander's presentation on EPIC. As we discussed, they specifically exclude NPL locations. However, I got the impression they would at least discuss the possibility of coverage once they put their committees in place.

I am also enclosing material gathered from a James meeting I attended and thought it might prove of value. We can discuss some of the Risk Retention Group possibilities more fully in our meeting.

Regards,



Maureen A. Toth
Account Executive

MAT/emj
Enclosure
cc: L. P. DeSalvo

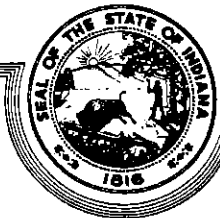
SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to: INDIANA DEPT JENV. MGMT 105 S. MERIDIAN ST. INDIANAPOLIS, IN 46225	4. Article Number 585 490 160 Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature — Addressee X	8. Addressee's Address (ONLY if requested and fee paid) 10 0
6. Signature — Agent X <i>[Signature]</i> C Cany	
7. Date of Delivery 3-19-87	

STATE OF INDIANA

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT



INDIANAPOLIS, 46225

105 South Meridian Street

January 22, 1987

Mr. James Tarpo
American Chemical Service, Inc.
420 S. Colfax Avenue
Griffith, IN 46319

Re: Manifest Violations
EPA I.D. No. IND 016360265
Hazardous Waste Manifest No. IN 042307

Dear Mr. Tarpo:

The manifest tracking staff has reviewed the above-referenced document(s) and found it to have invalid, illegible, or missing information. Please make the necessary corrections or additions for the item(s) listed below:

1. Item 20, Facility Owner or Operator

- a. Printed/Typed Name
- b. Signature
- c. Date

As established in the Indiana Code 13-7-8.5-7 (Environmental Management Act), the manifest information is required to be submitted to us in a timely and accurate manner. Therefore, submit legible photocopy(ies) of the original corrected manifest form(s) to this office within five (5) days of the receipt of this letter.

The manifest must be submitted to:

Indiana Department of Environmental Management
Solid and Hazardous Waste Management
P.O. Box 7035
Indianapolis, IN 46207-7035

Instructions on completing the manifest form are found on the backside of the document. If you should have any questions in regard to this matter, please do not hesitate to contact this office at AC 317/243-5014.

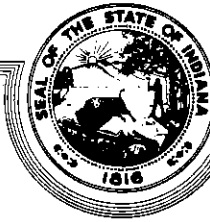
Very truly yours,

Roy E. Harbert, Coordinator
Manifest Tracking Program
Solid and Hazardous Waste Management

JLM/rmw
cc: Mr. Ted Warner

STATE OF INDIANA

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT



INDIANAPOLIS, 46225

105 South Meridian Street

1G
IND 016360265
Lake Co.

Mr. Michael Burge
American Chemical Service
P.O. Box 190
Griffith, IN 46319

Re: Manifest Violations
EPA I.D. No. IND 016360265
Hazardous Waste Manifest No. IN036392

Dear Mr. Burge:

The manifest tracking staff has reviewed the above-referenced document(s) and found it to have invalid, illegible, or missing information. Please make the necessary corrections or additions for the item(s) listed below:

1. Item 20, Facility Owner or Operator
 - a. Printed/Typed Name
 - b. Signature
 - c. Date

As established in the Indiana Code 13-7-8.5-7 (Environmental Management Act), the manifest information is required to be submitted to us in a timely and accurate manner. Therefore, submit legible photocopy(ies) of the original corrected manifest form(s) to this office within five (5) days of the receipt of this letter.

The manifest must be submitted to:

Indiana Department of Environmental Management
Solid and Hazardous Waste Management
P.O. Box 7035
Indianapolis, IN 46207-7035

Instructions on completing the manifest form are found on the backside of the document. If you should have any questions in regard to this matter, please do not hesitate to contact this office at AC 317/243-5014.

Very truly yours,

Roy E. Harbert, Coordinator
Manifest Tracking Program
Solid and Hazardous Waste Management

JLM/drc
cc: Mr. Ted Warner

file
432

August 22, 1986

Mr. Michael B. Burge
American Chemical Service
420 South Colfax Avenue
Griffith, IN 46319

Re: Manifest Violations
EPA I.D. # IND 916380265
Hazardous Waste Manifest No. IN 006601,
IN 004732, IN 000518

Dear Mr. Burge:

The manifest tracking staff has reviewed the above-referenced document(s) and found them to have invalid, illegible, or missing information. Please make the necessary corrections or additions for the item(s) listed below:

1. Item I, EPA Waste I.D. Number
2. Item 20, Facility Owner or Operator
 - a. Printed/Typed Name
 - b. Signature
 - c. Date
3. EPA waste number violation pertains to manifest IN 000518
4. Submit a letter of explanation

As established in the Indiana Code 13-7-8.5-7 (Environmental Management Act), the manifest information is required to be submitted to us in a timely and accurate manner. Therefore, submit legible photocopy(ies) of the original corrected manifest form(s) to this office within five (5) days of the receipt of this letter.

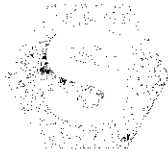
The manifest must be submitted to:

Indiana Department of Environmental Management
Solid and Hazardous Waste Management
P.O. Box 7035
Indianapolis, IN 46207-7035



American Chemical Service, Inc.

P.O. Box 190 • Griffith, Indiana 46319
(219) 924-4370 • Chicago Phone (312) 768-3400



September 9, 1986

State of Indiana
Department of Environmental Management
Solid and Hazardous Waste Management
P.O. Box 7035
Indianapolis, Indiana 46207-7035

Attn: Roy E. Harbert, Coordinator
Manifest Tracking Program
Solid and Hazardous Waste Management

RECEIVED

9 11 86

Gentlemen:

We are forwarding photocopies of Hazardous Waste
Manifest No. IN 006601, IN004732, and IN 000518.

IN DEPT. OF ENV. MGMT

We have corrected the discrepancies and filled
in the information lacking on these manifests.

In regard to manifest nos. IN 006601 and IN 004732;
we think that this may have been due to start up
problems with the new state program. The generators
were keeping the wrong copies and these copies were
being sent to the state without signatures. We have
since alleviated most of this by sending instruction
sheets to each generator.

As for manifest no. IN 000518, which originated
at our plant, this was simply an oversight. At that
time there were many shipments of the same material
sent to LTV. We checked the other manifests and the
waste number was on them.

On your letter dated 8/22/86 you show our EPA
I.D. # to be IND 916380265. This is not correct.
The number should be IND 016360265.

Very truly yours

American Chemical Service Inc.

August 22, 1986

Mr. Michael B. Burge
American Chemical Service
420 South Colfax Avenue
Griffith, IN 46319

Re: Manifest Violations
EPA I.D. # IND 916380265
Hazardous Waste Manifest No. IN 006601,
IN 004732, IN 000518

Dear Mr. Burge:

The manifest tracking staff has reviewed the above-referenced document(s) and found them to have invalid, illegible, or missing information. Please make the necessary corrections or additions for the item(s) listed below:

1. Item I, EPA Waste I.D. Number
2. Item 20, Facility Owner or Operator
 - a. Printed/Typed Name
 - b. Signature
 - c. Date
3. EPA waste number violation pertains to manifest IN 000518
4. Submit a letter of explanation

As established in the Indiana Code 13-7-8.5-7 (Environmental Management Act), the manifest information is required to be submitted to us in a timely and accurate manner. Therefore, submit legible photocopy(ies) of the original corrected manifest form(s) to this office within five (5) days of the receipt of this letter.

The manifest must be submitted to:

Indiana Department of Environmental Management
Solid and Hazardous Waste Management
P.O. Box 7035
Indianapolis, IN 46207-7035

Mr. Michael B. Burge
page 2

Instructions on completing the manifest form are found on the backside of the document. If you should have any questions in regard to this matter, please do not hesitate to contact this office at AC 317/243-5173.

Very truly yours,

Roy E. Harbert, Coordinator
Manifest Tracking Program
Solid and Hazardous Waste Management

DEE/drc

0431D drc 8/20/86

(Form designed for use on elite (12-pitch) typewriter)

Form Approved OMB No. 2000-0404 Expires 7-31-86

**UNIFORM HAZARDOUS
WASTE MANIFEST**

1. Generator's US EPA ID No.

Manifest

2. Page 1 of 1

Information in the shaded areas
is not required by Federal law

INDO 980823843

Document No.
04/09/86
102X3552

Generator's Name

Fiber-Tech, Inc.

2341 Schumacher Dr. Mishawaka, IN 46545

4. Generator's Phone

219 258-1338

A. State Manifest Document Number

IN 004732

B. State Generator's ID

5. Transporter's Company Name

American Chemical Service

R. US EPA ID Number

IND016380265

7. Transporter's Company Name

Strand Trucking

8. US EPA ID Number

IND0100546810

6. Designated Facility Name and Site Address

American Chemical
420 S. Colfax Ave.
Griffith, IN 46319

10. US EPA ID Number

IND016380265

C. State Transporter's ID

D. Transporter's Phone

E. State Transporter's ID

F. Transporter's Phone

G. State Facility's ID

H. Facility's Phone

9. US DOT Description (including Proper Shipping Name, Hazard Class, and ID Number)

12. Containers

No.

Type

13. Total Quantity

14. Unit Weight

15. Waste No.

Acetone Ignitable
UN 1090

005 DM 00275 1 F003

J. Additional Descriptions for Materials Listed Above

K. Handling Codes for Wastes Listed Above

Unless I am a Small quantity generator who has been exempted by statute or regulation from the duty to make a waste minimization certification under section 3002(b) of RCRA, I also certify that I have a program in place to reduce the volume and to:

16. Special Handling Instructions and Additional Information

of waste generated to the degree I have determined to be economically practicable and I have selected the method of treatment, Storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment.

GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations.

Unless I am a small quantity generator who has been exempted by statute or regulation from the duty to make a waste minimization certification under section 3002(b) of RCRA, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment.

Printed Name

Joseph L. Barton

Signature

Joseph L. Barton

Month Day Year

04 09 86

Date

Printed Name of Designated Facility

Printed Name

HAILE BARTON

Signature

Haile Barton

Month Day Year

04 09 86

Date

Printed Name of Receiver

Printed Name

Signature

Month Day Year

04 09 86

Date

Printed Name of Receiver

Printed Name

Signature

Month Day Year

04 09 86

Date

This manifest must be retained for a minimum of three years from the date of the hazardous materials covered by this manifest except as noted otherwise.

Signature

Month Day Year

04 09 86

Date

(01/11/06)

**UNIFORM HAZARDOUS
WASTE MANIFEST**

Form designed for use on elite (12 pitch) typewriter

Form Approved OMB No. 2000-0004 Expires 11/11/06

Manifest
Document No.

IN 006601 21 02 45 37

A. State Manifest Document Number

IN 006601

B. State Generator's ID

C. State Transporter's ID

D. Transporter's Phone

E. State Transporter's ID

F. Transporter's Phone

G. State Facility's ID

H. Facility's Phone

215 974 4470

1. Generator's Name
EDC Industrial Containers
2. Generator's Address
111030 4407
3. Generator's City/State/Zip
Indianapolis, IN 46201
4. Generator's Phone
5. Generator's EPA ID Number
6. Transporter's Name
7. Transporter's Address
8. Transporter's City/State/Zip
9. Transporter's Phone
10. Transporter's EPA ID Number
11. Facility's Name
12. Facility's Address
13. Facility's City/State/Zip
14. Facility's Phone
15. Facility's EPA ID Number

16. Date of Shipment

12. Containers

No. Type

13. Total Quantity

14. Unit Wt/Vol

15. Waste No.

1. Description of Materials
Flammable Liquid UN1993

180 DN

144000

1

F005

17. Additional Descriptions for Materials Listed Above

K. Handling Codes for Wastes Listed Above

18. Other Remarks, Instructions, and Additional Information

19. I, the undersigned, hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are properly packaged, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national regulations.

20. I, the undersigned, certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be feasible, and I have selected the method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to public health and the environment.

21. Signature of Generator

Signature

Leonard H. Strand

Leonard H. Strand

22. Title of Generator

Signature

Leonard H. Strand

Leonard H. Strand

23. Title of Transporter

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Month Day Year

11 28 06

Month Day Year

11 28 06

Month Day Year

11 28 06

Month Day Year

11 28 06

Month Day Year

11 28 06

Month Day Year

11 28 06

Month Day Year

IN 006601

Covered by
re Sig Fac letter

Form designed for use on elite (12-pitch) typewriter

C4

Form Approved OMB No. 2000-0404 Expires 7-31-86

**UNIFORM HAZARDOUS
WASTE MANIFEST**

Generator's US EPA ID No.

IND 016 360 265

Manifest

IND 900

026

Page 1 of

6

Information: This shaded area is not required by Federal law

Name of Facility
AMERICAN CHEMICAL SERVICE INC
420 S. COLFAX AVE GRIFFITH, INDIANA 46319
219 924 4370

A State Manifest Document Number

IN 000518

B State Generator's ID

Name of Transporter
STRAND TRUCKING

C US EPA ID Number

IND 000 646 810

D State Transporter's ID

E Transporter's Phone

312-385-8440

F State Transporter's ID

G State Facility's ID

Name of Facility and Site Address

LTV STEEL
3001 DICKEY ROAD
EAST CHICAGO, IN 46312

H US EPA ID Number

IND 005 462 601

I Facility's Phone

219-391-2000

US DOT Description (including Proper Shipping Name, Hazard Class, and ID Number)

12 Containers

No

Type

Total
Quantity

Unit
Wt Vol

Waste No

FLAMMABLE LIQ. UN1993

1 TIT 5500 GALS

Additional Descriptions for Materials Listed Above

K Handling Codes for Wastes Listed Above

Notes, Remarks, and Additional Information

ACTUAL WT # 39280

THE GENERATOR HEREBY DECLARES that the contents of this consignment are fully and accurately described above by proper shipping name, hazard class, and ID number, and are in all respects in proper condition for transport by highway according to applicable international and national regulations.

THE TRANSPORTER HEREBY DECLARES that he/she/it has been exempted by statute or regulation from the duty to make a waste stream characterization under 40 CFR 261.11, and that he/she/it has a program in place to reduce the volume and toxicity of waste generated to the degree that the waste stream is acceptable for treatment, storage, or disposal at the facility available to him/her/it as the owner and transporter.

Signature of Generator
ALVIN WHITAKER

Signature of Transporter
Alvin Whitaker

04/20/86

Signature of Receiver
THOMAS STRAND

Signature of Receiver
Thomas Strand

04/20/86

Signature of Driver
12/2/86

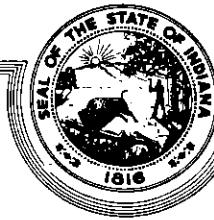
Signature of Driver
Ronald Smith

4/2/86

IN 000518

STATE OF INDIANA

DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT



INDIANAPOLIS, 46225

105 South Meridian Street

DEC 22 1986

Mr. Wendell Lattz
Adams Center Landfill
4636 Adams Center Road
Fort Wayne, IN 46806

Re: Disposal of Diatomaceous Earth and
Miscellaneous Paper (D004) and Miscellaneous
Drum Liners and Paper (D004) from
American Chemical Services
Griffith, Indiana
EPA I.D. No. IND 016360265

Dear Mr. Lattz:

This letter acknowledges the request for disposal dated November 5, 1986, from Chemical Waste Management, Inc.

Approval is hereby granted for disposal of 20 drums per year of diatomaceous earth and miscellaneous paper (D004) and 40 drums per year of miscellaneous drum liners and paper (D004) at the Adams Center Landfill, IND 078911146, OPP No. 2-1, Allen County. The waste is to be disposed of in the separate disposal area of the landfill and covered with a minimum of 12 inches of cover soil by the end of the working day.

The approval is granted subject to the following conditions:

1. The generator and/or hauler must contact you to notify you of the time of disposal and conditions of the shipment.
2. Appropriate protective clothing should be used during the handling and disposal to ensure proper protection from exposure to the material.
3. This approval will expire December 31, 1987.

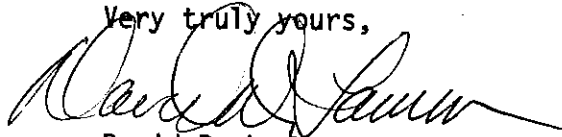
This approval will be revoked if the landfill fails to maintain compliance with 330 IAC 4-1, et seq. (Regulation SPC-18). Any necessary local approval must be obtained from the Fort Wayne-Allen County Health Department.

Disposal recommendations were determined after consultation with the Chemical Evaluation Section, Solid and Hazardous Waste Management.

Mr. Wendell Lattz
Page 2

If you have any questions, please contact Mrs. Jean Beauchamp of the
Hazardous Waste Management Branch at AC 317/232-3220.

Very truly yours,

A handwritten signature in black ink, appearing to read "David D. Lamm", written over a horizontal line.

David D. Lamm
Assistant Commissioner for
Solid and Hazardous Waste Management

GJB/baw
cc: Fort Wayne-Allen County Health Department
American Chemical Services

REVIEWER: Beauchamp

DATE REC'D: 86/11/10

HAZARDOUS WASTE DISPOSAL REQUEST REVIEW FORM

A. GENERAL

REQUEST DATE: 86/11/12 TSDF: AC

GENERATOR: American Chemical Services

CITY, ST: Shifflet, IN

GENERATOR CONTACT: Jim Murphy

PHONE: (219) 924-4370

EPA WASTE CODE(S): D004 1

AMOUNT: 20 drums

Per Year / 1x Only

WASTE DESCRIPTION: distillates

PREVIOUS APPROVAL: Y/N

earth & miscellaneous

AMOUNT: _____

paper

Per Year / 1x Only

EXPIRES: 1/1

B. CHEMICAL EVALUATION

REVIEW DATE: 11/18/86

CHEMIST NAME: D. Hansen

I.

TYPE	Y	N	U
Free Liquid	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reactive	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ignitable	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner Incompatible	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Waste Incompatible	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Procedures Needed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COMMENTS

Approved - Confine to the separate
separate area at A.C.L.

II. APPROVAL:

☒ Y ☐ N

☐ (OVER)

☐ Additional Information Needed

☒ Special Conditions Needed

☐ See Comments

☐ Disposal Alternative Recommended

☒ FORWARD TO REVIEWER

Date: 11/18/86

REVIEWER: Beauchamp

DATE REC'D: 86/11/10

HAZARDOUS WASTE DISPOSAL REQUEST REVIEW FORM

A. GENERAL

REQUEST DATE: 86/11/12 TSDF: AC

GENERATOR: Americas Chemical Services CITY, ST: Griffith, IN

GENERATOR CONTACT: Jim Murphy PHONE: (219) 924-4370

EPA WASTE CODE(S): 00041 / 1 AMOUNT: 40 drums

Per Year / 1x Only

WASTE DESCRIPTION: miscellaneous PREVIOUS APPROVAL: Y/N

drum liners & paper

AMOUNT: _____

Per Year / 1x Only

EXPIRES: 1 / 1 / _____

B. CHEMICAL EVALUATION

REVIEW DATE: 11/18/86

CHEMIST NAME: A. L. Hanson

I.

TYPE	Y	N	U
Free Liquid	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reactive	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ignitable	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner Incompatible	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Waste Incompatible	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Procedures Needed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COMMENTS

Approved - Confine to the
separate enclosure at AC-L.

II. APPROVAL:

☒ Y ☐ N

☐ (OVER)

☐ Additional Information Needed

☐ Special Conditions Needed

☐ See Comments

☐ Disposal Alternative Recommended

☒ FORWARD TO REVIEWER

Date: 11/18/86

Beauchamp



Chemical Waste Management, Inc.

4636 Adams Center Road
Fort Wayne, Indiana 46806
219/447-5585

Nov 10 8 39 AM '86

OFFICE OF SOLID
AND HAZARDOUS
WASTE
DEH

November 5, 1986

State of Indiana
Department of Environmental Management
5500 West Bradbury Street
Indianapolis, IN 46241

Attn: Terry Gray

Dear Mr. Gray,

Enclosed please find two Chemical Waste Management profile sheets,
and supporting data for the disposal of the following from American
Chemical Services located in Griffith, IN.

<u>Profile number</u>	<u>Waste Name</u>	<u>Quantity</u>
COLE81947	miscellaneous drum liners & paper	40 drums per year
COLE81949	diatomaceous earth & miscellaneous	20 drums per year
	paper	

Chemical Waste Management has been requested to apply for a State
of Indiana Department of Environmental Management approval to dispose
of the above listed amounts in the separate, secure area of the Adams Center
RCRA Landfill in Fort Wayne, Indiana.

Your attention to this matter is sincerely appreciated. Please let
me know if I can be of any assistance to your staff in approving
this material for disposal at the Adams Center facility.

Respectfully,

Ty A. Harter

Ty A. Harter
Customer Service Representative

cc: sales - Jerry Huber
file

enc.

TAH/tmk



Waste Management, Inc.

GENERATOR'S WASTE MATERIAL PROFILE SHEET



WASTE PROFILE SHEET CODE

COL

TSP

E81947

A GENERAL INFORMATION

AC-303-901

GENERATOR NAME: American Chemical Service, Inc. TRANSPORTER: _____

FACILITY ADDRESS: 420 So. Colfax TRANSPORTER PHONE: _____
Griffith, IN 46319 GENERATOR USEPA I.D.: 1,100,163,602,65

TECHNICAL CONTACT: Jim MURPHY TITLE: PLT. MGR. PHONE: (219) 924-4370

NAME OF WASTE: Miscellaneous drum liners and liner

PROCESS GENERATING WASTE: Dissolution & Filtration

B PHYSICAL CHARACTERISTICS OF WASTE

COLOR WHITE

ODOR ☐ NONE ☒ MILD ☐ STRONG

PHYSICAL STATE @ 70°F ☒ SOLID ☐ SEMI-SOLID ☐ LIQUID ☐ POWDER

LAYERS ☐ MULTILAYERED ☐ BI-LAYERED ☒ SINGLE PHASED

FREE LIQUIDS ☐ YES ☒ NO

VOLUME _____ %

DESCRIBE: _____

pH: ☐ < 2 ☐ 7.1-10 ☒ N/A ☐ 2-4 ☐ 10.1-12.5 ☐ 4.1-6.9 ☐ > 12.5 ☐ 7 ☐ EXACT _____

SPECIFIC GRAVITY ☒ < .8 ☐ 1.2-1.4 ☐ .8-1.0 ☐ 1.5-1.7 ☐ 1.1-1.2 ☐ > 1.7 ☐ EXACT _____

FLASH POINT ☐ < 70°F ☐ 70°F-100°F ☐ 101°F-139°F ☐ 140°F-200°F ☐ > 200°F ☒ NO FLASH

☐ CLOSED CUP ☐ OPEN CUP

C CHEMICAL COMPOSITION (TOTALS MUST ADD TO 100%)

PLASTIC & Rags 99 %

10/10' Oxypisphenoxarsine 1 %

_____ %

_____ %

_____ %

_____ %

_____ %

_____ %

_____ %

_____ %

D METALS

☐ TOTAL (PPM) ☒ EPA EXTRACTION PROCEDURE (mg/L)

ARSENIC (As) 0-10 * SELENIUM (Se) _____

BARIUM (Ba) _____ SILVER (Ag) _____

CADMIUM (Cd) _____ COPPER (Cu) _____

CHROMIUM (Cr) _____ NICKEL (Ni) _____

MERCURY (Hg) _____ ZINC (Zn) _____

LEAD (Pb) _____ THALLIUM (Tl) _____

CHROMIUM-HEX (Cr + 6) _____

E OTHER COMPONENTS - TOTAL (PPM)

CYANIDES _____ PCB'S _____

SULFIDES _____ PHENOLICS _____

F SHIPPING INFORMATION

D.O.T. HAZARDOUS MATERIAL? ☒ YES ☐ NO

PROPER SHIPPING NAME: Acidic Waste Solid, N.O.S.

HAZARD CLASS: POISON 5 I.D. NO.: UN1559 R.O. 1

METHOD OF SHIPMENT: ☐ BULK LIQUID ☐ BULK SOLID ☒ DRUM (TYPE/SIZE) Steel 55 Gal

ANTICIPATED VOLUME: _____ GALS. _____ CUBIC YARDS

OTHER: 2 drums

PER: ☐ ONE TIME ☐ WEEK ☐ MONTH ☒ QUARTER ☐ YEAR

15d
VR

G HAZARDOUS CHARACTERISTICS

REACTIVITY: ☒ NONE ☐ PYROPHORIC ☐ SHOCK SENSITIVE

☐ EXPLOSIVE ☐ WATER REACTIVE ☐ OTHER _____

OTHER HAZARDOUS CHARACTERISTICS: ☒ NONE ☐ RADIOACTIVE ☐ ETIOLOGICAL

☐ PESTICIDE MANUFACTURING WASTE ☐ OTHER _____

USEPA HAZARDOUS WASTE? ☒ YES ☐ NO

USEPA HAZARDOUS CODE(S): D004

STATE HAZARDOUS WASTE? ☒ YES ☐ NO

STATE CODE(S): D004

H SPECIAL HANDLING INFORMATION

Do NOT Allow Skin Contact. Do Not Splash in eyes. Do NOT
Contaminate water by cleaning of equipment or disposal

_____ ADDITIONAL PAGE(S) ATTACHED

I HEREBY CERTIFY THAT ALL INFORMATION SUBMITTED IN THIS AND ALL ATTACHED DOCUMENTS IS COMPLETE AND ACCURATE, AND THAT ALL KNOWN OR SUSPECTED HAZARDS HAVE BEEN DISCLOSED.

AUTHORIZED SIGNATURE

TITLE

DATE

James Murphy PLANT MANAGER 5/16/85

COL

E 81947

WASTE PROFILE SHEET CODE

CERTIFICATION OF REPRESENTATIVE SAMPLE

GENERAL DIRECTIONS: IN ORDER TO DETERMINE WHETHER WE CAN ACCEPT THE SPECIAL WASTE DESCRIBED IN THE ABOVE NUMBERED PROFILE SHEET, WE MUST OBTAIN A REPRESENTATIVE SAMPLE OF THE WASTE. WE WILL ANALYZE THE SAMPLE TO VERIFY THE INFORMATION YOU HAVE PROVIDED US, SO IT IS PARTICULARLY IMPORTANT THAT THE SAMPLE BE TRULY REPRESENTATIVE. IN MOST CIRCUMSTANCES YOU WILL BE OBTAINING THE SAMPLE. HOWEVER, IN THOSE CASES IN WHICH WE OBTAIN THE SAMPLE, WE MUST ASK THAT ONE OF YOUR EMPLOYEES BE PRESENT TO DIRECT THE PARTICULAR SOURCE TO BE SAMPLED AND TO WITNESS THE SAMPLING. IN SUCH CASE, YOUR EMPLOYEE MUST SIGN THIS CERTIFICATION AS A WITNESS.

THIS CERTIFICATION MUST BE RETURNED, WITH THE REPRESENTATIVE WASTE SAMPLE, TO:

ADAMS CENTER LANDFILL
4636 ADAMS CENTER RD
FT. WAYNE, IN 46806

THE UNDERSIGNED CERTIFIES THAT HE/SHE OBTAINED A REPRESENTATIVE SAMPLE OF THE WASTE MATERIAL DESCRIBED IN THE "GENERATOR'S WASTE MATERIAL PROFILE SHEET" ABOVE REFERENCED, AND THAT THE FOLLOWING REPRESENTATIONS ARE TRUE AND CORRECT:

1. HOUR AND DATE OF SAMPLING: 1330 HR 7/2/86
2. SOURCE FROM WHICH SAMPLE TAKEN: ~~DRUM~~ DRUM CONTAINING LINERS
& MISC PAPER
3. EQUIPMENT AND SAMPLING METHOD USED: SW-846
4. AMOUNT OF SAMPLE OBTAINED: 150 GRAMS
5. TYPE OF CONTAINER INTO WHICH SAMPLE WAS PLACED: PINT JAR
6. THE SAMPLING EQUIPMENT USED, AND THE CONTAINER INTO WHICH THE SAMPLE WAS PLACED, WERE THEMSELVES UNCONTAMINATED BEFORE USE.
7. AT THE TIME OF SAMPLING I AFFIXED A LABEL TO THE CONTAINER IN THE FOLLOWING FORM WITH THE FOLLOWING INFORMATION (FILL IN THIS PORTION, INCLUDING YOUR SIGNATURE, JUST AS IT APPEARS ON THE LABEL YOU PREPARED):

GENERATOR: AMERICAN CHEMICAL SERVICE, INC
WASTE NAME: MISCELLANEOUS DRUM LINERS & PAPER
SAMPLE HOUR/DATE: 1330 HR 7/2/86
PROFILE SHEET CODE: E 81947
SAMPLER SIGNATURE: Glenn Moyer GLENN MOYER

WITNESS VERIFICATION: I WAS PERSONALLY PRESENT DURING THE SAMPLING DESCRIBED; I DIRECTED THE WASTE SOURCE TO BE SAMPLED; AND I VERIFY THE INFORMATION ABOVE NOTED.

WITNESS: JAMES MURPHY

SIGNATURE: James Murphy

TITLE: PLS MGR

EMPLOYER: AMERICAN CHEMICAL SERVICE, INC

DATE: 7/2/86

SAMPLER NAME: GLENN MOYER

SIGNATURE: Glenn Moyer

TITLE: PRODUCT BLENDER

EMPLOYER: AMERICAN CHEMICAL SERVICE, INC

DATE: 7/2/86



SPECIAL WASTE ANALYSIS REPORT

This Report is intended for the sole use and benefit of Waste Management and its companies. No representation concerning significance of the reported data is made to any other person or entity.



WASTE PROFILE SHEET CODE

COL- E81947
FROM SAMPLE CONTAINER

Adams Center Landfill (219) 447-5585

LABORATORY NAME:

4636 Adams Center Rd., Ft. Wayne, IN 46806

ADDRESS:

LAB MGR. PHONE: 1

DATE SAMPLE RECEIVED AT LAB:

7/23/86

DATE SAMPLE TAKEN:

7/2/86

LAB SAMPLE NUMBER ASSIGNED:

07236-03

CERTIFICATION OF REP. SAMPLE OBTAINED? ☒ YES ☐ NO

CERTIFICATION: Except as explicitly noted, all analytical data reported below were obtained under my direction and supervision, using sample preparation and analytical methods and analytical equipment specified or approved in the most recent "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," SW 846, USEPA Office of Solid Waste. This laboratory follows a quality assurance control program, including a sample chain of custody procedure.

DATE OF REPORT:

7/25/86

SIGNATURE:

LAB MANAGER NAME:

STEVEN C BALL

Steven C Ball

PHYSICAL CHARACTERISTICS OF WASTE

SAMPLE VOLUME 1 PT	COLOR white	ODOR: <input type="checkbox"/> NONE <input checked="" type="checkbox"/> MILD <input type="checkbox"/> STRONG	PHYSICAL STATE @ 70°F <input checked="" type="checkbox"/> SOLID <input type="checkbox"/> SEMI-SOLID <input type="checkbox"/> LIQUID <input type="checkbox"/> POWDER	LAYERS <input type="checkbox"/> MULTILAYERED <input type="checkbox"/> BI-LAYERED <input checked="" type="checkbox"/> SINGLE PHASED	FREE LIQUIDS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO VOLUME %
DESCRIBE					

Test	As Received	Extraction Procedure	Date of Analysis	Test	As Received	Extraction Procedure	Date of Analysis
Specific Gravity	40						
pH s.u.	10.90	4.92					
Acidity % as							
Alkalinity % as				Phenols, mg/l			
C.O.D. mg/l				Cyanides, as CN Total mg/l			
B.O.D. mg/l				Cyanides, as CN Free mg/l			
Total Solids @ 105°C	98.26						
Total Dissolved Solids mg/l				Nitrogen Ammonia, as N mg/l			
Residue of Evaporation @ 180°C				Total Kjeldahl Nitrogen as N mg/l			
Radioactivity	Neg						
Flash Point F° (closed cup)				Total Alkalinity, P as CaCO ₃ , mg/l			
Ash Content, on ignition (%)	0.00			Total Alkalinity M as CaCO ₃ , mg/l			
Heating Value, BTU/lb				Total Hardness as CaCO ₃ , mg/l			
"Acid Scrub," gNaOH/g				Calcium Hardness, as CaCO ₃ mg/l			
				Magnesium Hardness, as CaCO ₃ mg/l			
Arsenic, as As, mg/l		10.0095 mg/l	7/25/86				
Barium, as Ba, mg/l							
Bromine as Br, mg/l				Oil and Grease, mg/l			
Cadmium, as Cd, mg/l							
Chromium, Total as Cr, mg/l							
Hexavalent Chromium as Cr, mg/l				Aldrin, mg/l			
Copper, as Cu, mg/l				Chlorides, mg/l			
Iron, Total as Fe, mg/l				DDT, mg/l			
Iron, dissolved, as Fe, mg/l				Dieldrin, mg/l			
Lead, as Pb, mg/l				Endrin, mg/l			
Manganese, as Mn, mg/l				Heptachlor, mg/l			
Magnesium, as Mg, mg/l				Lindane, mg/l			
Mercury, as Hg, mg/l				Methoxychlor, mg/l			
Nickel, as Ni, mg/l				Toxaphene, mg/l			
Selenium, as Se, mg/l				Parathion, mg/l			
Silver as Ag, mg/l				2,4, D, mg/l			
Zinc, as Zn, mg/l				2, 4, 5 TP (Silvex), mg/l			
				PCB's, mg/l			
				2, 3, 7, 8, TCDD, ug/l			
Carbonates, as HCO ₃ , mg/l				Ash % Moisture	1.74		
Carbonates, as CO ₃ , mg/l				% Volatile	98.26		
Chlorides, as Cl, mg/l				% Ash	0.00		
Fluorides, as F, mg/l				Screen P.F.T	Pass		
Nitrates, as NO ₃ , mg/l				Water Mix	V.S.S.		
Nitrite, as NO ₂ , mg/l				Ignitability	Pass		
Phosphate, as P, mg/l				Cyanide Screen	Neg	250 ppm	
Sulfate, as SO ₄ , mg/l				Sulfide Screen	-	220 ppm	
Sulfides, as S, mg/l							

James Murphy PLANT MANAGER 5/16/85

COL

E 81949

WASTE PROFILE SHEET CODE

CERTIFICATION OF REPRESENTATIVE SAMPLE

GENERAL DIRECTIONS: IN ORDER TO DETERMINE WHETHER WE CAN ACCEPT THE SPECIAL WASTE DESCRIBED IN THE ABOVE NUMBERED PROFILE SHEET, WE MUST OBTAIN A REPRESENTATIVE SAMPLE OF THE WASTE. WE WILL ANALYZE THE SAMPLE TO VERIFY THE INFORMATION YOU HAVE PROVIDED US, SO IT IS PARTICULARLY IMPORTANT THAT THE SAMPLE BE TRULY REPRESENTATIVE. IN MOST CIRCUMSTANCES YOU WILL BE OBTAINING THE SAMPLE. HOWEVER, IN THOSE CASES IN WHICH WE OBTAIN THE SAMPLE, WE MUST ASK THAT ONE OF YOUR EMPLOYEES BE PRESENT TO DIRECT THE PARTICULAR SOURCE TO BE SAMPLED AND TO WITNESS THE SAMPLING. IN SUCH CASE, YOUR EMPLOYEE MUST SIGN THIS CERTIFICATION AS A WITNESS.

THIS CERTIFICATION MUST BE RETURNED, WITH THE REPRESENTATIVE WASTE SAMPLE, TO:

ADAMS CENTER LANDFILL4636 ADAMS CENTER RDFT. WAYNE, IN 46806ATTN: TY HARTEL

THE UNDERSIGNED CERTIFIES THAT HE/SHE OBTAINED A REPRESENTATIVE SAMPLE OF THE WASTE MATERIAL DESCRIBED IN THE "GENERATOR'S WASTE MATERIAL PROFILE SHEET" ABOVE REFERENCED, AND THAT THE FOLLOWING REPRESENTATIONS ARE TRUE AND CORRECT:

1. HOUR AND DATE OF SAMPLING: 1505 HR 10/24/86
2. SOURCE FROM WHICH SAMPLE TAKEN: 55 GAL DRUM CONTAINING
DIATOMACEOUS EARTH & MISC. PAPER.
3. EQUIPMENT AND SAMPLING METHOD USED: SW 846
4. AMOUNT OF SAMPLE OBTAINED: 280 GRAMS
5. TYPE OF CONTAINER INTO WHICH SAMPLE WAS PLACED: PINT JAR
6. THE SAMPLING EQUIPMENT USED, AND THE CONTAINER INTO WHICH THE SAMPLE WAS PLACED, WERE THEMSELVES UNCONTAMINATED BEFORE USE.
7. AT THE TIME OF SAMPLING I AFFIXED A LABEL TO THE CONTAINER IN THE FOLLOWING FORM WITH THE FOLLOWING INFORMATION (FILL IN THIS PORTION, INCLUDING YOUR SIGNATURE, JUST AS IT APPEARS ON THE LABEL YOU PREPARED):

GENERATOR: AMERICAN CHEMICAL SERVICE, INC
WASTE NAME: DIATOMACEOUS EARTH & MISC. PAPER
SAMPLE HOUR/DATE: 1505 HR 10/24/86
PROFILE SHEET CODE: E 81949
SAMPLER SIGNATURE: Glenn Moyer **GLENN MOYER**

WITNESS VERIFICATION: I WAS PERSONALLY PRESENT DURING THE SAMPLING DESCRIBED; I DIRECTED THE WASTE SOURCE TO BE SAMPLED; AND I VERIFY THE INFORMATION ABOVE NOTED.

SAMPLER NAME: GLENN MOYER

SIGNATURE: Glenn Moyer

WITNESS: JAMES MURPHY

SIGNATURE: James Murphy

TITLE: PLT - MANAGER

TITLE: PRODUCT BLENDER

EMPLOYER: AMERICAN CHEMICAL SERVICE, INC

DATE: 10/24/86

EMPLOYER: AMERICAN CHEMICAL SERVICE, INC

DATE: 10/24/86



SPECIAL WASTE ANALYSIS REPORT

This Report is intended for the sole use and benefit of Waste Management and its companies. No representation concerning significance of the reported data is made to any other person or entity.



WASTE PROFILE SHEET CODE

COL E 81949
FROM SAMPLE CONTAINER

LABORATORY NAME: Adams Center Landfill (219) 447-5585

ADDRESS: 4636 Adams Center Rd., Ft. Wayne, IN 46806

LAB MGR. PHONE: 1

DATE SAMPLE RECEIVED AT LAB: 10/29/86

DATE SAME TAKEN: 10/24/86

LAB SAMPLE NUMBER ASSIGNED: 10296-02

CERTIFICATION OF REP. SAMPLE OBTAINED? ☒ YES ☐ NO

CERTIFICATION: Except as explicitly noted, all analytical data reported below were obtained under my direction and supervision, using sample preparation and analytical methods and analytical equipment specified or approved in the most recent "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," SW 846, USEPA Office of Solid Waste. This laboratory follows a quality assurance control program, including a sample chain of custody procedure.

DATE OF REPORT: 10/31/86

SIGNATURE: Steven C Ball

LAB MANAGER NAME: STEVEN C BALL

PHYSICAL CHARACTERISTICS OF WASTE

SAMPLE VOLUME <u>1 PINT</u>	COLOR <u>BROWN</u>	ODOR: <input type="checkbox"/> NONE <input checked="" type="checkbox"/> MILD <input type="checkbox"/> STRONG	PHYSICAL STATE @ 70°F <input checked="" type="checkbox"/> SOLID <input type="checkbox"/> SEMI-SOLID <input type="checkbox"/> LIQUID <input type="checkbox"/> POWDER	LAYERS <input type="checkbox"/> MULTILAYERED <input type="checkbox"/> BI-LAYERED <input checked="" type="checkbox"/> SINGLE PHASED	FREE LIQUIDS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO VOLUME _____ %
--------------------------------	-----------------------	---	---	---	---

Test	As Received	Extraction Procedure	Date of Analysis	Test	As Received	Extraction Procedure	Date of Analysis
Specific Gravity	<u>.52</u>			Radiation Screen	<u>Neg</u>		
pH s.u.	<u>10%</u>	<u>8.81</u>		Penetrometer	<u>< 82 TONS/FT²</u>		
Acidity % as				Phenols, mg/l			
Alkalinity % as				Cyanides, as CN Total mg/l			
C.O.D. mg/l				Cyanides, as CN Free mg/l			
B.O.D. mg/l							
Total Solids @ 105°C	<u>90.49</u>			Nitrogen Ammonia, as N mg/l			
Total Dissolved Solids mg/l				Total Kjeldahl Nitrogen as N mg/l			
Residue on Evaporation @ 180°C							
Flash Point F° (closed cup)				Total Alkalinity, P as CaCO ₃ , mg/l			
Ash Content, on ignition (%)	<u>49.2</u>			Total Alkalinity M as CaCO ₃ , mg/l			
Heating Value, BTU/lb				Total Hardness as CaCO ₃ , mg/l			
"Acid Scrub," gNaOH/g				Calcium Hardness, as CaCO ₃ mg/l			
				Magnesium Hardness, as CaCO ₃ mg/l			
Arsenic, as As, mg/l		<u>1.802 mg/l</u>					
Barium, as Ba, mg/l				Oil and Grease, mg/l			
Bromine as Br, mg/l							
Cadmium, as Cd, mg/l							
Chromium, Total as Cr, mg/l				Aldrin, mg/l			
Hexavalent Chromium as Cr, mg/l				Chlorides, mg/l			
Copper, as Cu, mg/l				DDT, mg/l			
Iron, Total as Fe, mg/l				Dieldrin, mg/l			
Iron, dissolved, as Fe, mg/l				Endrin, mg/l			
Lead, as Pb, mg/l				Heptachlor, mg/l			
Manganese, as Mn, mg/l				Lindane, mg/l			
Magnesium, as Mg, mg/l				Methoxychlor, mg/l			
Mercury, as Hg, mg/l				Toxaphene, mg/l			
Nickel, as Ni, mg/l				Parathion, mg/l			
Selenium, as Se, mg/l				2,4, D, mg/l			
Silver as Ag, mg/l				2,4,5 TP (Silvex), mg/l			
Zinc, as Zn, mg/l				PCB's, mg/l			
				2,3,7,8, TCDD, ug/l			
Carbonates, as HCO ₃ , mg/l							
Carbonates, as CO ₃ , mg/l							
Chlorides, as Cl, mg/l							
Fluorides, as F, mg/l							
Nitrates, as NO ₃ , mg/l							
Nitrite, as NO ₂ , mg/l							
Phosphate, as P, mg/l							
Sulfate, as SO ₄ , mg/l							
Sulfides, as S, mg/l							

9/24/86

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION V

AMERICAN CHEMICAL SERVICES, INC.
420 SOUTH COLFAX AVENUE
GRIFFITH, INDIANA 46319
IND 016 360 265

) Information Request Pursuant
) to Section 3007 of the Resource
) Conservation and Recovery Act,
) as amended, 42 U.S.C. §6927

This is a request by the United States Environmental Protection Agency (U.S. EPA) issued pursuant to Section 3007 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. §6927. The issuance of this request serves to require American Chemical Services, Inc. to submit information relating to its generation and off-site transport of hazardous waste for disposal at the Gary Development Company, Inc. landfill.

I. INSTRUCTIONS

This request for information pertains to any and all information you may have regarding the generation and analysis of any listed hazardous waste, as described in 320 Indiana Administrative Code (IAC) 4.1, Rule 6 (40 CFR 261.31 through 261.33) and any wastes considered hazardous by characteristic, as defined in 320 IAC 4.1, Rule 5 (40 CFR 261.21 through 261.24), and their manifesting and transport to Gary Development Company, Inc. for disposal.

If any information called for herein is not available or accessible in the full detail requested, the document shall be deemed to call for the best information available. It also requires the production of all information called for in as detailed a manner as possible based upon such information as is available or accessible.

The information must be provided notwithstanding its possible characterization as confidential information or trade secrets. You are entitled to assert a claim of confidentiality pursuant to 40 CFR 2.203(b) for any information produced that, if disclosed to persons other than officers, employees, or duly authorized representatives of the United States, would divulge information entitled to protection as trade secrets. Any information which the Administrator of this Agency determines to constitute methods, processes or other business information entitled to protection as trade secrets will be maintained as confidential pursuant to the procedures set forth in 40 CFR Part 2. A request for confidential treatment must be made when information is provided since any information not so identified will not be accorded this protection by the Agency.

The written statements submitted pursuant to this request must be notarized and returned under an authorized signature certifying that all statements contained therein are true and accurate to the best of the signatory's knowledge and belief. Should the signatory find at any time after submittal of the requested information that any portion of this submittal certified as true is false or misleading, the signatory should so notify U.S. EPA. If any information submitted under this information request is found to be untrue or misleading, the signatory can be prosecuted under Section 1001 of Title 18 of the United States Code.

The information requested herein must be provided within thirty (30) days following receipt of this request to the United States Environmental Protection Agency, Region V, Attention: Jonathan Cooper (5HE-12), RCRA

Enforcement Section, 230 South Dearborn Street, Chicago, Illinois 60604.

II. DEFINITIONS

1. "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters as defined in 320 IAC 4.1-1-7 (40 CFR 260.10).
2. "Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in 40 CFR Part 261 or whose act first causes a hazardous waste to become subject to regulation as defined in 320 IAC 4.1-1-7 (40 CFR 260.10).
3. "Hazardous waste" means a hazardous waste as defined in 320 IAC 4.1-3-3 (40 CFR 261.3).
4. "Treatment" means any method, technique, or process, including neutralization, designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume as defined in 320 IAC 4.1-1-7 (40 CFR 260.10).
5. "F005" refers to a listed hazardous waste from non-specific sources and

comprises specified non-halogenated solvents and still bottoms from recovery of these solvents. "D001" refers to solid waste that exhibits the characteristic of ignitability, but is not listed as hazardous waste in 320 IAC 4.1-6 (40 CFR Part 261 Subpart D).

III. REQUEST FOR ANSWERS TO QUESTIONS AND THE PRODUCTION OF DOCUMENTS

1. Provide documentation of your determination of whether waste generated at your facility and categorized on manifests as F005 waste prior to transport to Gary Development Company, Inc. is hazardous as defined in 320 IAC 4.1-5 and 4.1-6-2 (40 CFR 261.21 and 261.31). This determination must be made according to methods set forth in 320 IAC 4.1-7-2 (40 CFR 262.11). Provide copies of all waste analysis results used in making a determinations of classification as F005 and/or D001.
 - a. Provide a detailed description of each process by which the F005 labeled hazardous waste is or was generated prior to its transport to Gary Development Company, Inc. for disposal and any additional treatment of that waste prior to shipping it to the landfill from November 19, 1980, until the present.
 - b. Provide copies of all documents concerning your facility's transactions and conversations with Mr. Lawrence Hagen of Gary Development Company, Inc. regarding the generation, treatment, transport, or disposal of wastes categorized as F005 by American Chemical Services, Inc.

2. For any other listed or characteristic hazardous waste identified as being or having been shipped for disposal since November 19, 1980, from American Chemical Services, Inc. to Gary Development Company, Inc., provide the following:
- a. A description of the processes which generate the waste;
 - b. A representative analysis of the waste;
 - c. A list of shipping dates and estimated quantities shipped for disposal by landfilling; and
 - d. Copies of any manifests which accompanied the hazardous waste shipments to the landfill.

Issued this 23rd day of September, 1986.

M. a. G. Constantelos

for Basil G. Constantelos, Director
Waste Management Division
United States Environmental Protection Agency
Region V



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

**230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604**

P. R. R. R.
file
SEP 26 2 29 PM '86

DIVISION OF LAND
POLLUTION CONTROL
STATE
BOARD OF HEALTH
REPLY TO THE ATTENTION OF:
5HE-12

24 SEP 1986

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James Tarpo
Registered Agent for
American Chemical Services, Inc.
420 South Colfax Avenue
Griffith, Indiana 46319

Re: RCRA §3007 Information Request
American Chemical Services, Inc.
IND 016 360 265

Dear Sir or Madam:

This is a request for information by the United States Environmental Protection Agency (U.S. EPA) pursuant to its authority under Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. §6927. The information requested relates to any wastes generated by your company which were shipped to Gary Development Company, Inc., Gary, Indiana for disposal between November 1980 and the present if the wastes meet the definition of: (1) a listed hazardous waste, as defined in 320 Indiana Administrative Code (IAC) 4.1, Rule 6 (40 CFR 261.31 through 261.33), or (2) a characteristic hazardous waste, as defined in 320 IAC 4.1, Rule 5 (40 CFR 261.21 through 261.24).

Information available to the U.S. EPA indicates that the above facility shipped hazardous waste to Gary Development Company, Incorporated in Gary, Indiana. Further information is requested to assist our investigation of waste disposal activities at Gary Development Company, Inc. for the purpose of determining future management and closure activities at that landfill.

The information requested herein must be provided to this office within thirty (30) days of receipt of this letter notwithstanding its possible characterization as confidential information. You may, pursuant to 40 CFR 2.203(a), assert a business confidentiality claim covering all or part of the information in the manner described in 40 CFR 2.203(b). Information covered by such a claim will be disclosed by U.S. EPA only to the extent and by means of the procedures set forth in 40 CFR Part 2, Subpart B. Any request for confidentiality must be made when the information is submitted, since any information not so identified may be made available to the public without further notice.

The written statements submitted pursuant to this request must be notarized and submitted under an authorized signature certifying that all statements contained therein are true and accurate to the best of the signatory's knowledge and belief. Any documents submitted to Region V pursuant to this information request should be certified as true and authentic to the best of the signatory's knowledge or belief.

Should the signatory find, at any time after the submittal of the requested information, that any portion of the submitted information is false, the signatory should so notify Region V. If any answer certified as true should be found to be untrue or misleading, the signatory can and may be prosecuted pursuant to 18 U.S.C. §1001.

If you have any questions regarding this matter, please contact Jonathan Cooper at (312) 886-4464. Your written response should be sent to the United States Environmental Protection Agency, Region V, RCRA Enforcement Section, 230 South Dearborn Street, Chicago, Illinois 60604, Attention: Jonathan Cooper (5HE-12).

Sincerely,

m.a. Loh

f Basil G. Constantelos, Director
Waste Management Division

cc: T. Russell, IDEM

LAKE
Air ...
Icbe

Notice of Deficiency
*(Permit Section Review Only)
American Chemical Services ✓
IND 016360265 ✓

- F-2a Facility schedule for inspections.
- F-2a(1) Types of problems.
- F-2a(2) Frequency of inspections.
- F-3a(4) Water volume and pressure for the two sprinkler systems.
- F-3b Aisle space requirement.
- F-4c Prevention of contamination of water supplies.
- F-4d Mitigation of effects of equipment failure and power outage.
- G-4f Storage and treatment of released materials.
- H-1c Training director trained in hazardous waste management.
- I-1a Closure performance standard.

DEW/cl

c1 0702H 4/1/86



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AMERICAN CHEMICAL SERVICE
IBZ
Lake Co.

APR 1 1986

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE
DIVISION OF LAND POLLUTION CONTROL
BOARD OF HEALTH

Mr. Richard Stoll
Freedman, Levy, Kroll & Simonds
Washington Square - 1050 Conn. Ave. N. W.
Washington, D. C. 20036-5339

Dear Mr. Stoll:

This is in response to your letter of March 5, 1986, in which you ask if the RCRA storage facility requirements apply to loaded trucks parked for no longer than 48 hours while discharging at the site of a burner of hazardous waste fuel.

As you correctly point out, there are situations in which the Agency has recognized that temporary holding in trucks does not constitute storage. For example, the transfer facility exemption (263.12) where the Agency recognizes that during the transportation of hazardous waste to treatment, storage, or disposal facilities, it is permissible to temporarily hold trucks containing hazardous waste at central facilities for several days without requiring a storage permit. Other examples are recycling processes that occur without prior storage, such as where spent batteries are introduced directly to a battery shredding machine without prior storage, or where spent solvents are placed in a distillation unit without prior storage.

In view of the short amount of time that the trucks will remain on site, as well as the operating procedure of continuously rotating trucks in and out of the premises, it does not appear that the trucks are used primarily for storage while at the facility. Therefore, in the circumstances you described, under the Federal program a storage permit covering the time the trucks are being unloaded is not needed.

However, since Indiana and Ohio may have additional requirements with which Cadence may need to comply, you should contact the persons identified below to determine what State requirements might apply:

Steven White, Chief
Division of Solid & Hazardous
Waste Management
Ohio EPA
361 East Broad Street
Columbus, Ohio 43215

David D. Lamm, Director
Division of Land Pollution
Control
Indiana State Board of Health
1330 West Michigan Street
Indianapolis, Indiana 46206
Phone: (317) 243-5026

-2-

If you have additional questions on this subject, please contact Carolyn Barley of my staff at 382-2217.

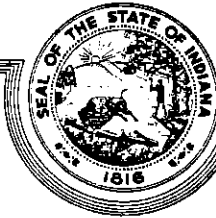
Sincerely yours,

Original Signed By
Marcia E. Williams

Marcia E. Williams
Director, Office of
Solid Waste

cc: Basil Constantelos, EPA Region V
Steven White, Ohio
✓ David Lamm, Indiana

STATE OF INDIANA



INDIANAPOLIS

STATE BOARD OF HEALTH
AN EQUAL OPPORTUNITY EMPLOYER

Mr. James Tarpo
American Chemical Services
P.O. Box 190
Griffith, IN 46319

Address Reply to:
Indiana State Board of Health
1330 West Michigan Street
P.O. Box 1964
Indianapolis, IN 46206-1964

March 6, 1986

Dear Mr. Tarpo:

Re: Notice of Violation (V-205)
Compliance Date Change
American Chemical Services
IND 016360265
Griffith, Indiana-Lake County

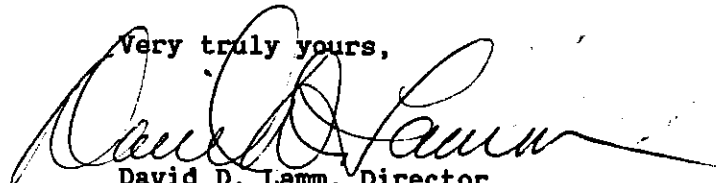
After further discussions between representatives of this office, Cadence Chemical Resources, and LTV Steel Division, the Division of Land Pollution Control (Division) hereby agrees to extend the compliance deadline of March 3, 1986, stated in our letter of January 30, 1986, while discussions continue.

Pending a final resolution of this matter, the Notice of Violation (V-205) issued September 24, 1985, will be held in abeyance, provided that American Chemical Services complies with the following requirement:

1. American Chemical Services shall comply with the prohibitions and manifesting requirements by March 31, 1986, as set forth in the U.S. EPA's November 29, 1985, final rule regarding hazardous waste derived fuel (50 FR 49164, et seq.).

The fact that the Division has not obtained final resolution at this point in time (as to whether the storage of Cadence Product 312 is presently subject to regulation as a hazardous waste under Indiana rules) shall not preclude the Division from finally resolving or litigating this issue at any time.

Very truly yours,



David D. Lamm, Director
Division of Land Pollution Control

MES/lsm

cc: Ms. Sally K. Swanson, U.S. EPA, Region V
Mr. Ted F. Warner
Lake County Health Department
Mr. Ted J. Reese, Cadence Chemical Resources, Inc.
Mr. Bryan G. Tabler, Barnes and Thornburg
Mr. Lee E. Larson, LTV Steel
Mr. Carl Broman, LTV Steel

LTV Steel Company

March 3, 1986

IB 2
Lake County
American Chemical Service

LTV

Michael E. Sickels
Division of Land Pollution Control
Indiana State Board of Health
1330 West Michigan Street
P.O. Box 1964
Indianapolis, Indiana 46206-1964

MAR 10 10 33 AM '86
DIVISION OF LAND
POLLUTION CONTROL
BOARD OF HEALTH

Re: RCRA G/TSD Inspection
IND 005462601
Notice of Violation (V-206)

Dear Mr. Sickels:

This is in response to the above notice of violation.

1. ANALYSIS PLAN

A formal waste analysis plan was developed and is now in effect. The results of the first plant-wide testing program conducted on 8/21/85 were received on 9/18/85.

2. INSPECTION LOGS

The inspection logs did indicate time but in terms of "first, second, and third shifts." As of July 22, 1985, these forms have been modified to be more specific such as 2:30 P.M., 3:30 P.M., etc.

3. CONTINGENCY PLAN

A new contingency plan has been developed as of October 28, 1985.

4. WRITTEN OPERATING RECORD

Based on clarification received in our recent telephone conversation, the company did present a written operating record regarding the handling of waste assets. As for chem fuel, please see the following comments.

5. DANGER SIGNS

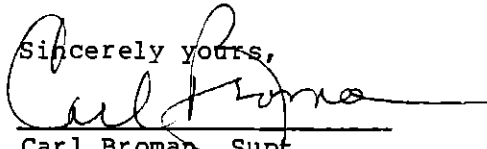
The proper danger signs were purchased, received, and delivered to the operating departments for installation as of October 21, 1985.

6. CHEM FUEL

This subject is being handled by separate correspondence.

If there are any questions regarding the above replies, please contact this office at 219-391-2330.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Carl Broman", written over a horizontal line.

Carl Broman, Supt.
Env. Control Department

CB:sb
515S

9/3/21
Control
WMED
COPY David
sent

LAW OFFICES
FREEDMAN, LEVY, KROLL & SIMONDS
WASHINGTON SQUARE - 1050 CONNECTICUT AVE., N.W.
WASHINGTON, D.C. 20036-5339
(202) 457-5100

RICHARD G. STOLL
(202) 457-5119

CABLE "ATTORNEYS"
TELECOPIER: 202-457-5151

March 5, 1986

Ms. Marcia E. Williams
Director, Office of Solid Waste
WH-562
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Dear Ms. Williams:

On behalf of Cadence Chemical Resources, Inc. of Michigan City, Indiana, I have an inquiry respecting the applicability of RCRA "storage facility" requirements in the situation described below. Cadence is a "marketer" of hazardous waste fuel ("HWF") under EPA's new burning regulations. 50 Fed. Reg. 49164-211, November 29, 1985. Cadence currently markets its HWF to the owner/operator of several iron-making blast furnaces in Indiana and Ohio. The owner/operator burns the HWF in the blast furnaces, and is accordingly a "burner" of HWF under the new regulations.

The regulations specify that burners with HWF "storage facilities" will be subject to various requirements of Part 264 and Part 265. See §266.35(c). Moreover, EPA stated in the preamble that burners with HWF "storage facilities" must file "Part A" applications for such facilities by May 29, 1986. 50 Fed. Reg. 49164, col. 2.

Under the system Cadence has developed to supply HWF to the blast furnaces, which is described below, I do not believe there would be any such "storage facilities" on the burner's premises and I seek your concurrence. I will describe the system with regard to the furnace location which accounts for the largest portion of Cadence's HWF shipments. The same facts would apply to the other furnaces, except that the HWF volumes would be lower.

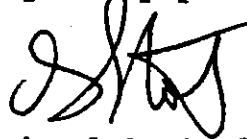
Cadence HWF (also known as "Cadence Product 312") is produced by several solvent recyclers under license from Cadence. Each recycler is a "generator" and "marketer" of HWF and is accordingly subject to §§266.32 and 266.34. The HWF will be delivered to the blast furnace in 5500-to-6000 gallon trucks. All such trucks will be subject to the HWF "transporter" requirements of §266.33.



In another context, EPA has established a ten-day benchmark for determining whether parked trucks are storing hazardous waste. Under §263.12, a truck which meets EPA and DOT packaging requirements can hold manifested waste up to ten days at a transfer facility without triggering RCRA "storage" requirements. The regulation requires that such waste be in "containers" to qualify for the ten-day rule, and the preamble specifies that "tank cars" and "cargo tanks" are among such types of containers. 45 Fed. Reg. 86967, col. 1. EPA based this rule on its belief that "transporters who hold hazardous wastes for a short period of time in the course of transportation should not be considered to be storing hazardous wastes." 45 Fed. Reg. 86966, col. 3

I would submit that under our facts, where a truck will normally remain on-site a maximum of 24 hours (usually fewer) and only where some extraordinary circumstance might cause a truck to remain 48 hours, we are well outside any conceivable benchmark for triggering RCRA storage requirements. Please call me at the number printed on the letterhead if you have any questions or need any further information. In light of the impending May 29 deadline and the possible need to make major adjustments should my assumptions prove incorrect, I would appreciate an expeditious response.

Very truly yours,

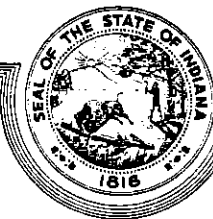


Richard G. Stoll

RGS/rsm

cc: Mark Greenwood
Robert Holloway
Carolyn Barney

STATE OF INDIANA



INDIANAPOLIS

STATE BOARD OF HEALTH

AN EQUAL OPPORTUNITY EMPLOYER

Address Reply to:
Indiana State Board of Health
1330 West Michigan Street
P.O. Box 1964
Indianapolis, IN 46206-1964

Mr. James Tarpo
American Chemical Services
P.O. Box 190
Griffith, IN 46319

January 30, 1986

Dear Mr. Tarpo:

Re: Notice of Violation (V-205)
Compliance Date
American Chemical Services
IND 016360265
Griffith, Lake County

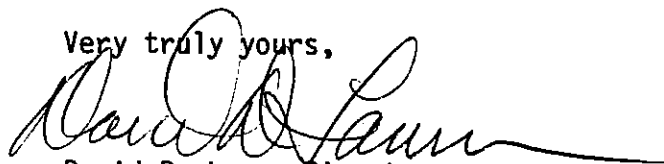
It is the final determination of this office that a waste derived fuel or product that contains any listed hazardous waste is itself a listed hazardous waste up to the point of recovery. The point of recovery has been determined to be the point of burning. It is only at this point that true recovery, as defined, occurs, i.e., the recovery of energy and material. Therefore, Product 312 must be regulated up to the point of recovery.

In regard to the Notice of Violation (V-205) originally issued on September 24, 1985, the following requirements must be met by March 3, 1986:

1. Submit a closure plan for the hazardous waste derived fuel or product storage area.
2. Meet all manifest requirements for shipment of all hazardous waste derived fuel or products.
3. Amend the Part A application to include the hazardous waste derived fuel storage area.

If you have any further questions, please contact Mr. Michael E. Sickels, R.P.S., of the Division at AC 317/243-5047.

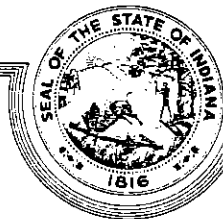
Very truly yours,


David D. Lamm, Director
Division of Land Pollution Control

MES/tr

cc: Ms. Sally K. Swanson, U.S. EPA, Region V
Mr. Ted F. Warner
Lake County Health Department
Mr. Carl Broman, LTV Steel Division
Mr. Lee E. Larson, LTV Steel Division
Mr. Ted J. Reese, Cadence Chemical Resources, Inc.
Mr. Bryan G. Tabler, Barnes and Thornburg

STATE OF INDIANA



INDIANAPOLIS

STATE BOARD OF HEALTH
AN EQUAL OPPORTUNITY EMPLOYER

Address Reply to:
Indiana State Board of Health
1330 West Michigan Street
P. O. Box 1964
Indianapolis, IN 46206-1964

December 13, 1985

Mr. James Tarpo
American Chemical Services
P.O. Box 190
Griffith, IN 46319

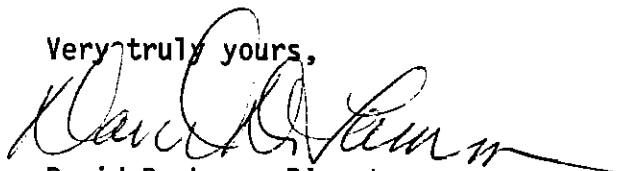
Dear Mr. Tarpo:

Re: Compliance Date Extension
Notice of Violation (V-205)
American Chemical Services
IND 016360265

In regard to the above Notice of Violation (V-205), the compliance date is hereby extended an additional thirty-five (35) days. Therefore, the extended compliance date is January 8, 1986.

If you should have any further questions regarding this matter, please contact Mr. Michael E. Sickels, R.P.S., of this Division at AC 317/243-5047.

Very truly yours,



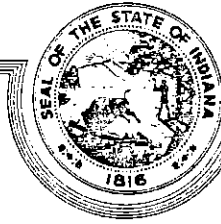
David D. Lamm, Director
Division of Land Pollution Control

MES/tr

cc: Lake County Health Department
Ms. Sally K. Swanson, U.S. EPA, Region V
Mr. Ted Warner
Mr. Carl Broman, LTV Steel Division
Mr. Lee Larson, LTV Steel Division
Mr. Michael Benoit, Cadence Chemical Resources, Inc.
Mr. Bryan G. Tabler, Barnes and Thornburg

STATE OF INDIANA

ENVIRONMENTAL MANAGEMENT BOARD



INDIANAPOLIS 46206-1964

1330 West Michigan Street
P. O. Box 1964

November 8, 1985

Mr. Bryan G. Tabler
Barnes and Thornburg
1313 Merchants Bank Building
11 South Meridian Street
Indianapolis, IN 46204

Dear Mr. Tabler:

Re: Notices of Violation to
American Chemical Service (V-205) and
LTV Steel Division (V-206)

In response to your letter of October 4, 1985, on behalf of Cadence Chemical Resources, Inc. (Cadence), you shall have the opportunity to participate in all conferences and proceedings held on the above Notices of Violation.

As you know, a meeting was scheduled with you for October 15, 1985, at the Division of Land Pollution Control, before receipt of your letter.

Although no formal enforcement action has been brought against Cadence, your client's concerns are understood and it is appropriate that Cadence have input into these informal proceedings.

If you have any questions regarding this matter, please contact Mr. Michael E. Sickels, R.P.S., of the Division of Land Pollution Control, Indiana State Board of Health, at AC 317/243-5047.

Very truly yours,

Ralph C. Pickard
Technical Secretary

MES/tr

cc: Mr. David D. Lamm, Division of Land Pollution Control
Mr. Michael Benoit, Cadence Chemical Resources, Inc.
Mr. Lee Larson, Esq., LTV Steel Company
Mr. Carl Broman, LTV Steel Company
Mr. James Tarpo, American Chemical Services

ID
(Gen)

OCT 23 1985

Mr. Wendell Lattz
Adams Center Landfill
4636 Adams Center Road
Fort Wayne, IN 46806

Dear Mr. Lattz:

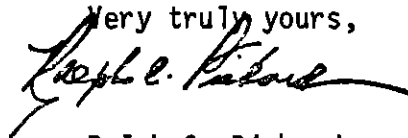
Re: Disposal of Miscellaneous Drum Liners
and Paper (D004) from
American Chemical Services, Inc.
Griffith, Indiana
EPA I.D. No. IND 016360265

This letter acknowledges the request of October 2, 1985, from the IT Corporation for an amendment to an approval granted September 6, 1985, to the above-referenced company.

This letter hereby amends that approval to increase the amount disposed from fifteen to forty 55-gallon drums per year. All other conditions of the approval still apply.

If you have any questions, please contact Ms. Jenny Ranck Dooley of the Hazardous Waste Management Branch at AC 317/243-5089.

Very truly yours,



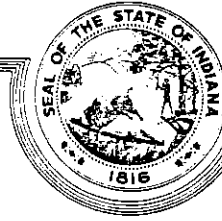
Ralph C. Pickard
Technical Secretary

JRD/tr

cc: Fort Wayne-Allen County Health Department
American Chemical Services, Inc.
IT Corporation

tr 8544m 10/17/85

STATE OF INDIANA



INDIANAPOLIS

STATE BOARD OF HEALTH
AN EQUAL OPPORTUNITY EMPLOYER

Address Reply to:
Indiana State Board of Health
1330 West Michigan Street
P. O. Box 1964
Indianapolis, IN 46206-1964

October 22, 1985

Mr. James Tarpo
American Chemical Services
P.O. Box 190
Griffith, IN 46319

Dear Mr. Tarpo:

Re: Compliance Date Extension
Notice of Violation (V-205)
American Chemical Service
IND 016360265

As a result of the meeting held on October 15, 1985, between members of the Division of Land Pollution Control, LTV Steel Division, Cadence Chemical Resources, Inc., and yourself, an extension to the thirty-five (35)-day compliance date is hereby granted.

An extension of an additional thirty-five (35) days is granted so that staff can review the information submitted at said meeting.

If you should have any further questions regarding this matter, please contact Mr. Michael E. Sickels, R.P.S., of this Division at AC 317/243-5047.

Very truly yours,

David D. Lamm, Director
Division of Land Pollution Control

MES/tr

cc: Lake County Health Department
Ms. Sally K. Swanson, U.S. EPA, Region V
Mr. Ted Warner
Mr. Carl Broman, LTV Steel Division
Mr. Lee Larson, LTV Steel Division
Mr. Michael Benoit, Cadence Chemical Resources, Inc.
Mr. Bryan G. Tabler, Barnes and Thornburg

600 1ST SOURCE BANK CENTER
100 NORTH MICHIGAN
SOUTH BEND, INDIANA 46601
(219) 233-1171

305 FIRST NATIONAL BANK BUILDING
301 SOUTH MAIN STREET
ELKHART, INDIANA 46516
(219) 293-0681

BRYAN G. TABLER
(317) 261-9226

BARNES & THORNBURG

1313 MERCHANTS BANK BUILDING
11 SOUTH MERIDIAN STREET
INDIANAPOLIS, INDIANA 46204
(317) 638-1313

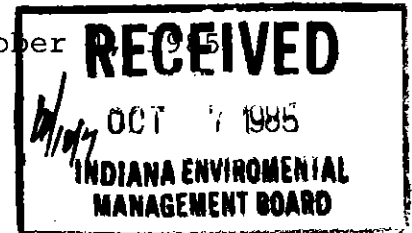
TWX 810-341-3427 B & T LAW IND
TELECOPIER (317) 261-9433

RCRA IB2
LAKE CO.
AMERICAN
CHEMICAL
SERVICE
OCT 8 2 54 PM '85
DIVISION OF LAND
POLLUTION CONTROL
STATE
BOARD OF HEALTH
FEDERAL BAR BUILDING
H STREET, N.W.
WASHINGTON, D.C. 20006
(202) 955-4500

HAND DELIVERED

Mr. Ralph C. Pickard
Technical Secretary
Environmental Management Board
Indiana State Board of Health
1330 West Michigan Street
Indianapolis, Indiana 46206

October 7, 1985



Re: Notices of Violation V-205 and V-206

Dear Mr. Pickard:

This letter is written on behalf of Cadence Chemical Resources, Inc. ("Cadence") pursuant to IND. CODE 4-22-1-25, to the extent it is applicable to this situation.

Cadence Product 312 is produced and used in blast furnaces pursuant to license issued by Cadence. Cadence objects to the apparent determination underlying the September 24, 1985, issuance of Notices of Violation V-205 and V-206 that Cadence Product 312 is a solid waste and a hazardous waste. Cadence Product 312 is not a solid waste, not a hazardous waste, and is not subject to the regulations and requirements cited in Notices of Violation V-205 and V-206. Application of the regulations and requirements cited in the Notices of Violation to transportation, storage and use of Product 312 would seriously damage the business of Cadence Chemical Resources, Inc.

Accordingly, Cadence hereby requests that the Board grant it all rights to which it is entitled under IND. CODE 4-22-1-25(b) and that the Board inform Cadence of, and grant it the opportunity to participate in all conferences and proceedings.

Sincerely,


Bryan G. Tabler

BGT:ba

cc: David D. Lamm, Director
Division of Land Pollution Control
Mr. Michael Benoit, Cadence Chemical Resources, Inc.
Lee Larson, Esq., LTV Steel Company
Mr. Carl Broman, LVT Steel Company
Mr. James Tarpe, American Chemical Services



October 2, 1985

Project No. 850043.12.1

Ms. Jenny Dooley
Indiana State Board of Health
Division of Land Pollution Control
5500 West Badbury
Indianapolis, IN 46231

Dear Ms. Dooley:

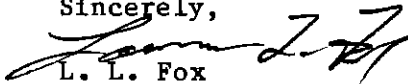
On Tuesday, October 1, 1985, I spoke on the telephone with Terry [redacted] of the Indiana State Board of Health. He informed me to write to you requesting one-time disposal of waste D-004 (Miscellaneous Drum Liners and Paper) from American Chemical Services, Inc., Griffith, Indiana. This request is made for an initial one-time disposal of 21 drums. This exceeds the annual quantity by six drums. We are requesting one-time disposal authority for six additional drums. We are also requesting the initial disposal of 15 drums as a special one-time disposal and the calendar year drum accumulation to start after this shipment.

The accumulation of the initial waste load was due to process start-up and procedural delays in receiving state authority to dispose of this waste. Due to procedural delays, we have also exceeded our allowed storage time and request immediate action on the above.

The landfill has been notified (Ms. Cherly Noone) of the additional quantities and they have no problem with this.

Thanking you in advance for your cooperation.

Sincerely,


L. L. Fox
Project Manager
IT Corporation

LLF/lkp

cc: Cherly Noone/Adams Center Landfill
Jim Murphy/ACS
Jim Flyer/Maag Agrochemical
Jim Margolin/IT, Carteret
Bill Thayer/IT, Milwaukee

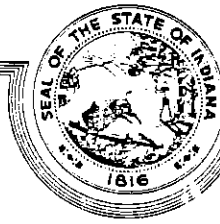
:Ll

Regional Office

IT Corporation • One Park Plaza • 11270 West Park Place • Suite 700 • Milwaukee, Wisconsin 53224-3692 • 414-359-2222

Oct 3 8 32 AM '85
DIVISION OF LAND
POLLUTION CONTROL
STATE
BOARD OF HEALTH

STATE OF INDIANA



INDIANAPOLIS

STATE BOARD OF HEALTH
AN EQUAL OPPORTUNITY EMPLOYER

Address Reply to:
Indiana State Board of Health
1330 West Michigan Street
P. O. Box 1964
Indianapolis, IN 46206-1964

September 24, 1985

VIA CERTIFIED MAIL

Mr. James Tarpo
American Chemical Service
P.O. Box 190
Griffith, IN 46319

Dear Mr. Tarpo:

Re: RCRA G/TSD Inspection
American Chemical Service
IND 016360265
Notice of Violation (V-205)

The Environmental Management Board is cooperating with the U.S. Environmental Protection Agency, Region V, in carrying out the provisions of the Resource Conservation and Recovery Act, Public Law 94-580 (RCRA). In this effort, representatives of the Environmental Management Board are conducting inspections of facilities in Indiana that are engaged in the generation, transportation, treatment, storage, or disposal of hazardous waste. In addition to RCRA requirements, facilities are being inspected to determine compliance with Environmental Management Board 320 IAC 4, "Hazardous Waste Management Permit Program and Related Hazardous Waste Management Requirements."

This is to inform you that on May 28, 1985, an inspection of American Chemical Service, located at Colfax Avenue and the C & O Railroad, Griffith, Indiana, was conducted by Mr. Ted F. Warner of the Division of Land Pollution Control (Division), Indiana State Board of Health. You represented your firm at this inspection.

In regard to the Chem-Fuel, Product 312, it is the position of this office that a mixture of fuel and a listed hazardous waste is itself a hazardous waste, and must be managed as such. The actual recovery of the waste does not occur until it is burned. Enclosed please find a memo dated June 13, 1985.

The following violation of RCRA and 320 IAC 4 pertaining to the operation of your facility was noted:

1. 40 CFR 262.30
and
320 IAC 4-4

Generator is not in compliance with the manifest requirements.

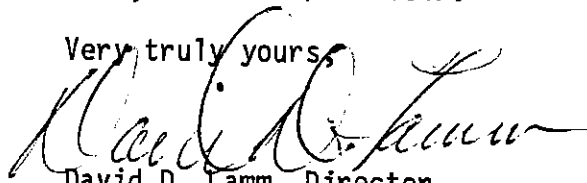
American Chemical Service, within thirty (30) calendar days of receipt of this letter, shall achieve compliance with the following requirement:

1. Chem-Fuel containing listed hazardous wastes must be manifested to a facility with a 320 IAC Rule 9 operating permit.

Your Company shall submit to this office, within thirty-five (35) calendar days of receipt of this letter, a written detailed explanation of the steps taken to achieve compliance. The letter shall state the date compliance was achieved. Failure to comply with this Notice of Violation will result in escalation of this enforcement action.

Please direct your response to this letter and any questions to Mr. Michael E. Sickels, R.P.S., of the Division of Land Pollution Control, Indiana State Board of Health, at AC 317/243-5047.

Very truly yours,



David D. Lamm, Director
Division of Land Pollution Control

MES/tr

Enclosure

cc: Lake County Health Department

Ms. Sally K. Swanson, U.S. EPA, Region V

Mr. Ted Warner

Mr. Carl Broman, LTV Steel

Mr. Michael Benoit, Cadence Chemical Resources, Inc.

TELEPHONE CALL REPORT

Date 09/12/85

Time _____

From: Larry FoxTo: Jenny Rancie DooleyIT CorporationPlan ReviewSubject Discussed 30-day extensionSummary

Mr. Fox called me to see if
I'd received his request for
a second 30 day extension to

Action Required

~~has~~ ^{the} 90 day storage limit for

Details

American Chemical Services, Griffith
Indiana. I informed him that
only one 30 day extension was
allowed.

File in County _____



September 11, 1985

Project No. 850043.12.1

Ms. Jenny Renck
Division of Land Pollution Control
Indiana State Board of Health
1330 West Michigan Street
P.O. Box 1964
Indianapolis, IN 46206

SEP 12 2 49 PM '85
DIVISION OF LAND
POLLUTION CONTROL
STATE
BOARD OF HEALTH

Extension of the 90-Day Limit
for Storage of Hazardous Materials

Dear Ms. Renck:

I am requesting a second extension of the 90-day limit set for the storage of hazardous materials established in the Resource Conservation and Recovery Act. The extension is needed because time will not permit the signing of contracts, etc., to remove the (D004) contaminated wastes. On September 10, 1985, approval was received from the State Board of Health and our extension expires September 16, 1985. The waste streams are identified by Chemical Waste Management Waste Profile Forms E81949 and E81947.

Please note that IT Corporation is acting as the technical agent for these waste streams and all questions should be directed to Larry Fox, IT Corporation, phone (414) 359-2222.

Sincerely,

L. L. Fox
Project Coordinator

LLF/lkp

cc: Jim Murphy-American Chem Service
Jim Filer-Maag Agrochem
Cherl Noon-Adams Center Landfill
Jim Margolin-IT, Carteret
Joe Adams-IT, Milwaukee
Bill Thayer-IT, Milwaukee

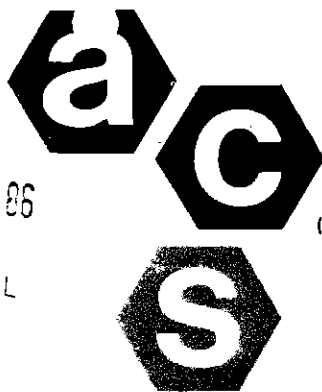
:L1

Regional Office

IT Corporation • One Park Plaza • 11270 West Park Place • Suite 700 • Milwaukee, Wisconsin 53224-3692 • 414-359-2222

Original 1B1

File Lease Co.



American Chemical Service, Inc.

P.O. Box 190 • Griffith, Indiana 46319
(219) 924-4370 • Chicago Phone (312) 768-3400

MAR 5 10 51 AM '86

DIV OF LAND
POLLUTION CONTROL
BOARD OF HEALTH

March 3, 1986

Indiana State Board of Health
1330 West Michigan Street
P.O. Box 1964
Indianapolis, IN 46206-1964

Attn: Roy Harbert
Division of Land Pollution Control

Dear Roy,

Enclosed is our manifest order form with our correct U.S. EPA I.D.#-IND016360265. Also enclosed are a manifest order form and one Form E with a U.S. EPA I.D.# which is no longer applicable - INT190011742. This number was originally issued to identify a manufacturing operation we used to perform for Swift Chemical Company, at that time a division of Esmark, Inc. In 1983 we purchased this business from Esmark, so that all information regarding any hazardous waste generation is now covered on our Form E with the IND016360265 EPA number. Our report for 1985 has been submitted.

We now ask that the INT190011742 EPA number be removed from the system in order to avoid duplication of effort.

Thank you for your assistance.

Yours truly,

Walt Wagoner
Walter S. Wagoner, Jr.

WSW/rl

Enclosures

ID
(Gen)

SEP 06 1985

Mr. Wendell Latz
Adams Center Landfill
4636 Adams Center Road
Fort Wayne, IN 46806

Dear Mr. Latz:

Re: Disposal of Miscellaneous Drum Liners
and Paper (D004) from
American Chemical Services, Inc.
Griffith, Indiana
EPA I.D. No. IND 016360265

This letter acknowledges the request for disposal dated July 12, 1985, from Adams Center Landfill.

Approval is hereby granted for disposal of fifteen 55-gallon drums per year of miscellaneous drum liners and paper (D004) at the Adams Center Landfill, IND 078911146, OPP. No. 2-1, Allen County. The waste is to be disposed of in the separate disposal area of the landfill and covered with a minimum of 12 inches of cover soil by the end of the working day.

The approval is granted subject to the following conditions:

1. The generator and/or hauler must contact you to notify you of the time of disposal and conditions of the shipment.
2. The waste should be placed in a designated organic cell.
3. The material must be landfilled in drums.
4. This approval will expire September 30, 1986.

This approval will be revoked if the landfill fails to maintain compliance with 330 IAC 4-1, et seq. (Regulation SPC-18). Any necessary local approval must be obtained from the Fort Wayne-Allen County Health Department.

Disposal recommendations were determined after consultation with the Chemical Evaluation Section, Division of Land Pollution Control.

If you have any questions, please contact Ms. Jenny Ranck of the Hazardous Waste Management Branch at AC 317/243-5089.

Very truly yours,



Ralph C. Pickard
Technical Secretary

JLR/tr

cc: Fort Wayne-Allen County Health Department
American Chemical Services, Inc.

bcc: Landfill File
Approval Book

tr 8046m 8/28/85

IA
American
Chem.
Serv.

AUG 16 1985

Mr. Larry Fox
IT Corporation
One Park Plaza
11270 West Park Place
Suite 700
Milwaukee, WI 53224-3692

Dear Mr. Fox:

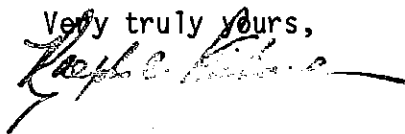
Re: Extension of 90-Day Hazardous
Waste Accumulation Period

This is to acknowledge receipt of your letter dated July 25, 1985, requesting a 30-day extension to the 90-day accumulation period for generators of hazardous waste, pursuant to 40 CFR 262.34(b).

The 90-day accumulation period for American Chemical Service, Griffith, Indiana, ends on August 16, 1985. Approval is hereby granted for a 30-day extension to that date. All hazardous wastes must be removed from American Chemical Service by September 16, 1985.

If you have any questions regarding this extension, please contact Ms. Jenny Ranck of the Hazardous Waste Management Branch at AC 317/243-5089.

Very truly yours,



Ralph C. Pickard
Technical Secretary

JLR/tr
cc: Mr. Jim Murphy, American Chemical Service
bcc: Mr. Ted Warner

tr 7799m 8/12/85

IA

AUG 12 1985

Ms. Edith M. Ardiente, P.E., Chief
Technical Programs Section
U.S. EPA, Region V
230 South Dearborn Street
Chicago, IL 60604

Dear Ms. Ardiente:

Re: Corrective Action Response Review
American Chemical Service, Inc.
IND 016360265

Please find enclosed the completed RCRA Facility Review for Solid Waste Management Units for the above-referenced facility. The information provided was found in the files at the Indiana State Board of Health, Water Pollution and Land Pollution Control Divisions.

If you have any questions regarding this correspondence, please contact Ms. Jenny Ranck of my staff at AC 317/243-5089.

Very truly yours,



Guinn Doyle, Chief
Hazardous Waste Management Branch
Division of Land Pollution Control

JLR/csc
Enclosures

csc 7763m 08/06/85



CONFIDENTIAL
CANCELLED

August 7, 1985

Mr. James Tarpo
American Chemical Service
P.O. Box 190
Griffith, Indiana 46319

Dear Jim:

Pursuant to our discussion, the following represents prices for the incineration of bulk liquid at L.W.D., Inc. in Calvert City, Kentucky, based on the characteristics listed below:

- \$0.22 per pound - - 40,000 pound minimum per load
- - Less than one percent ash
- - 10,000 to 12,000 BTU/LB
- - 20% chlorine, maximum

Prices are inclusive of transportation and disposal. Also, prices are subject to change with little or no advance notice.

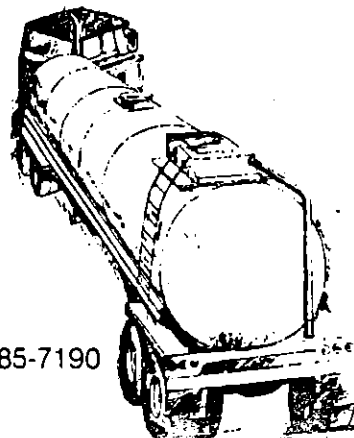
If you should have any questions, please feel free to call at anytime.

Sincerely:

A handwritten signature in cursive script, reading "Jerome T. Pacocha".

Jerome T. Pacocha, CHMM
Technical Sales Manager

JTP/slh



REPORT ANY UNRECOVERED DIS-
ARGE EQUAL TO OR IN EXCESS OF
1 HAZARDOUS WASTE ASSIGNED
VALUE TO NATIONAL RESPONSE
800-424-8802

PORTABLE QUANTITY VALUE

1 = 5000 LBS. 4 = 10 LBS.
2 = 1000 LBS. 5 = 1 LB.
3 = 100 LBS.

CHEM TREC

EPA HOTLIN

CDC POISON CENTER = 404-635-5313

DOT

PHILIPS INDUSTRIES

800-424-9300

800-424-9346

202-426-1830

ACARDS
PROVIDED

IS

print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved. OMB No. 2000-0404. Expires 7-31-86

UNIFORM HAZARDOUS WASTE MANIFEST

1. Generator's US EPA ID No.

Manifest
Document No.

2. Page 1
of 1

Information in the shaded areas
is not required by Federal
law.

3. Generator's Name and Mailing Address

PHILIPS INDUSTRIES
222 COLLINS RD.
ELKHART, IN. 46516

A. State Manifest Document Number

B. State Generator's ID

4. Generator's Phone (219) 295 1900

5. Transporter 1 Company Name

STRAUD TRUCKING CO

6. US EPA ID Number

71D000646810

C. State Transporter's ID

D. Transporter's Phone

312-355-8410

7. Transporter 2 Company Name

8. US EPA ID Number

E. State Transporter's ID

F. Transporter's Phone

9. Designated Facility Name and Site Address

AMERICAN CHEMICAL SERVICE
420 S COLFAX AVE

10. US EPA ID Number

GRIFFITH, IN 46319

IND016360265

G. State Facility's ID

H. Facility's Phone

219-974-4370

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

a. FLAMMABLE LIQUID N.O.S.
IGNITABLE
UN 1993

12. Containers

No. Type

33 DM

13. Total
Quantity

33

DM

14. Unit
Wt/Lb

33

DM

I. Waste No.

10001

b.

c.

d.

J. Additional Descriptions for Materials Listed Above

K. Handling Codes for Wastes Listed Above

1 = GALLONS

15. Special Handling Instructions and Additional Information

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations.

Printed/Typed Name

Signature

Date
Month Day Year

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Date
Month Day Year

18. Transporter 2 Acknowledgement or Receipt of Materials

Printed/Typed Name

Signature

Date
Month Day Year

19. Discrepancy Indication Space

20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in item 19.

Printed/Typed Name

Signature

Date
Month Day Year



July 25, 1985

Project No. 850043.12.1

Ms. Jenny Renck
Division of Land Pollution Control
Indiana State Board of Health
1330 West Michigan Street
P.O. Box 1964
Indianapolis, IN 46206

JUL 30 9 57 AM '85
DIVISION OF LAND
POLLUTION CONTROL
STATE
BOARD OF HEALTH

Extension of the 90-Day Limit
for Storage of Hazardous Materials

Dear Ms. Renck:

I am requesting an extension of the 90-day limit set for the storage of hazardous materials established in the Resource Conservation and Recovery Act. The extension is needed until a time when the state makes a final ruling on the arsenic (D004) contaminated materials. The waste streams are identified by Chemical Waste Management Waste Profile Forms E81949 and E81947.

Please note that IT Corporation is acting as the technical agent for these waste streams and all questions should be directed to Larry Fox, IT Corporation, phone (414) 359-2222. This 90-day period ends August 16, 1985.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Larry Fox', written over the typed name and title.
L. L. Fox
Project Coordinator

LLF/lkp

cc: Jim Murphy-American Chem Service
Jim Filer-Maag Agrochem
Cherl Noon-Adams Center Landfill
Jim Margolin-IT, Carteret
Joe Adams-IT, Milwaukee
Bill Thayer-IT, Milwaukee

:L1

Regional Office

IT Corporation • One Park Plaza • 11270 West Park Place • Suite 700 • Milwaukee, Wisconsin 53224-3692 • 414-359-2222

CORRECT MAINTENANCE CORP.

2000 Dombey Road, Portage, Indiana 46368

219/885-1410

emergency response: 219/762-2167



July 18, 1985

Confidentiality Denied 16 APR 1987

Mr. John Murphy
American Chemical Services, Inc.
P. O. Box 190
Griffith, IN 46319

PROPOSAL

Decontamination of Twenty-One (21)

Tanks, Lines, Pumps and Filters, Transportation
and Disposal of Cleaning Solution to Treatment Plant

Dear Mr. Murphy:

We thank you for the opportunity to submit this proposal for the above referenced work.

In preparation for this proposal we have visited the project site, discussed project requirements, established procedures and methods to provide the most cost effective and environmentally safe and sound completion of this project.

WORK PLAN

Once we receive authorization to proceed, we will mobilize the equipment and begin setup procedures. Setup procedures consist of the following items:

- 1) Placement of equipment on project site
- 2) Placement of bulk storage equipment

After setup procedures have been completed, open tanks will be surveyed and inspected to determine level of protective clothing to be used for vessel entry, and appropriate decontamination solution on each tank interior.

Upon vessel entry, the interior surfaces will be high pressure water blasted, decontamination solution applied and high pressure water blasted again.

All contaminants, decontamination solution and water will be vacuumed from tanks and compatibly bulked for transportation and disposal.

All opening and closing of tanks and sludge removal and sludge disposal will be performed by American Chemical Services, Incorporated.

July 18, 1985

Mr. John Murphy
American Chemical Services, Inc.

Confidentiality Denied 16 APR 1987



Page 2 of 2

DISPOSAL

Based on Correct Maintenance Corporation's calculations, we estimate the total volume of liquids for disposal to be twenty-two thousand (22,000) gallons. Disposal shall be arranged in conjunction with American Chemical Services and in accordance with current Federal and State rules and regulations. Site specific to be Chem-Clear, Chicago, Illinois contingent upon approval.

PRICING

Base bid for decontamination of twenty-one (21) tanks, including transportation and disposal of spent cleaning solution, which will contain .1% flammable or listed solvent (F001). The waste will not be ignitable.

ESTIMATED COST: \$40,440.00

Note:

See attached itemized list for estimated cost for each tank.

TERMS OF PAYMENT

1% Cash Discount 20 Days - Net 30 Days.

CONDITIONS

Estimated costs are subject to escalation due to variance in disposal fees, distance of transportation, wage increases and increased cost of equipment.

Once you have reviewed this proposal, we would be happy to meet with you to discuss any aspect of it, answer any questions or refine our estimates based on additional information. We look forward to working with you on this project.

Very truly yours,

Gerald Nocks/jch
Gerald Nocks
Superintendent
Industrial Division

GN:jh

Enclosure

CORRECT MAINTENANCE CORP

2000 Dcmbe Road, Portage, Indiana 46368

9/885-1410 emergency response: 219/762-2167

**Confidentiality Denied 16 APR 1987**

<u>TANK NUMBER</u>	<u>ESTIMATED COST</u>	<u>GALLONS FOR DISPOSAL</u>
1A	\$1,520.00	1,000
1B	\$1,520.00	1,000
116	\$1,520.00	1,000
117	\$1,520.00	1,000
118	\$1,520.00	1,000
119	\$1,520.00	1,000
120	\$1,520.00	1,000
121	\$1,520.00	1,000
122	\$1,520.00	1,000
123	\$1,730.00	1,000
124	\$1,730.00	1,000
125	\$1,730.00	1,000
126	\$1,730.00	1,000
210	\$2,230.00	1,000
211	\$2,230.00	1,000
212	\$2,230.00	1,000
202	\$2,230.00	1,000
203	\$2,230.00	1,000
204	\$2,230.00	1,000
205	\$2,230.00	1,000
206	\$2,230.00	1,000
Lines, Filters and Pumps	\$2,000.00	1,000

ADAMS CENTER LANDFILL, INC.

AN SCA SERVICES COMPANY
4636 Adams Center Road
Fort Wayne, Indiana 46806
(219) 447-5585



JUL 16 11 17 AM '85
DIVISION OF LAND
POLLUTION CONTROL
STATE
BOARD OF HEALTH

July 12, 1985

Indiana State Board of Health
5500 W. Bradbury Street
Indianapolis, IN 46241

Attn: Mr. Terry Gray

Dear Mr. Gray,

Enclosed please find a Chemical Waste Management profile sheet, COL E81947, and supporting data for the disposal of miscellaneous drum liners and paper from American Chemical Services, Inc. in Griffith, Indiana.

Chemical Waste Management has been requested to apply for an Indiana State Board of Health approval to dispose of 15 drums per year in the separate, secure area of the Adams Center RCRA Landfill in Fort Wayne, Indiana.

Your attention to this matter is sincerely appreciated. Please let me know if I can be of any assistance to your staff in approving this material for disposal at Adams Center.

Respectfully,

Cheryl D. Noone
Customer Service Representative

CDN/skh

enc.

Waste Management, Inc.

GENERATOR'S WASTE MATERIAL PROFILE SHEET

WASTE PROFILE SHEET CODE

COL E81947
TSPR
PLT

A GENERAL INFORMATION

AC-363-901

06035-20

GENERATOR NAME: American Chemical Service, Inc. TRANSPORTER: _____
FACILITY ADDRESS: 420 So. Colfax TRANSPORTER PHONE: _____
Griffith, IN 46319 GENERATOR USEPA I.D. 1,400,163,60265
TECHNICAL CONTACT: Jim MURPHY TITLE: PLT. MGR. PHONE: (219) 924-4370
NAME OF WASTE: Miscellaneous drum liners and filter
PROCESS GENERATING WASTE: Dissolution & Filtration

B PHYSICAL CHARACTERISTICS OF WASTE

COLOR <u>WHITE</u>	ODOR <input type="checkbox"/> NONE <input checked="" type="checkbox"/> MILD <input type="checkbox"/> STRONG	PHYSICAL STATE @ 70°F <input checked="" type="checkbox"/> SOLID <input type="checkbox"/> SEMI-SOLID <input type="checkbox"/> LIQUID <input type="checkbox"/> POWDER	LAYERS <input type="checkbox"/> MULTILAYERED <input type="checkbox"/> BI-LAYERED <input checked="" type="checkbox"/> SINGLE PHASED	FREE LIQUIDS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO VOLUME _____ %
pH: <input type="checkbox"/> < 2 <input type="checkbox"/> 7.1-10 <input checked="" type="checkbox"/> N/A <input type="checkbox"/> 2-4 <input type="checkbox"/> 10.1-12.5 <input type="checkbox"/> 4.1-6.9 <input type="checkbox"/> > 12.5 <input type="checkbox"/> 7 <input type="checkbox"/> EXACT _____	SPECIFIC GRAVITY <input checked="" type="checkbox"/> < 8 <input type="checkbox"/> 1.3-1.4 <input type="checkbox"/> 8-1.0 <input type="checkbox"/> 1.5-1.7 <input type="checkbox"/> 1.1-1.2 <input type="checkbox"/> > 1.7 <input type="checkbox"/> EXACT _____	FLASH POINT <input type="checkbox"/> < 70°F <input type="checkbox"/> > 200°F <input type="checkbox"/> 70°F - 100°F <input checked="" type="checkbox"/> NO FLASH <input type="checkbox"/> OPEN CUP <input type="checkbox"/> 101°F - 139°F <input type="checkbox"/> EXACT _____ <input type="checkbox"/> 140°F - 200°F		

C CHEMICAL COMPOSITION (TOTALS MUST ADD TO 100%)

<u>PLASTIC DRUMS</u>	<u>99</u>
<u>10,10' Oxiphenoxarsine</u>	<u>1</u>

D METALS ☐ TOTAL (PPM) ☐ EPA EXTRACTION PROCEDURE (mg/L)

ARSENIC (As)		SELENIUM (Se)	
BARIUM (Ba)		SILVER (Ag)	
CADMIUM (Cd)		COPPER (Cu)	
CHROMIUM (Cr)		NICKEL (Ni)	
MERCURY (Hg)		ZINC (Zn)	
LEAD (Pb)		THALLIUM (Tl)	
CHROMIUM-HEX (Cr + 6)			

E OTHER COMPONENTS - TOTAL (PPM)

CYANIDES		PCB'S	
SULFIDES		PHENOLICS	

F SHIPPING INFORMATION

D.O.T. HAZARDOUS MATERIAL? ☒ YES ☐ NO
PROPER SHIPPING NAME: toxic compound Solid, A.C.S.
HAZARD CLASS: PEN 3 I.D. NO. UN1559 RQ.
METHOD OF SHIPMENT: ☐ BULK LIQUID ☐ BULK SOLID
☒ DRUM (TYPE/SIZE) Steel 55 Gal
ANTICIPATED VOLUME: _____ GALS. _____ CUBIC YARDS
OTHER: 2 drums
PER: ☐ ONE TIME ☐ WEEK ☐ MONTH
☒ QUARTER ☐ YEAR

G HAZARDOUS CHARACTERISTICS

REACTIVITY: ☒ NONE ☐ PYROPHORIC ☐ SHOCK SENSITIVE
☐ EXPLOSIVE ☐ WATER REACTIVE ☐ OTHER _____
OTHER HAZARDOUS CHARACTERISTICS:
☒ NONE ☐ RADIOACTIVE ☐ ETIOLOGICAL
☐ PESTICIDE MANUFACTURING WASTE ☐ OTHER _____
USEPA HAZARDOUS WASTE? ☒ YES ☐ NO
USEPA HAZARDOUS CODE(S): P004
STATE HAZARDOUS WASTE? ☐ YES ☐ NO
STATE CODE(S): _____

H SPECIAL HANDLING INFORMATION

Do Not Allow Skin Contact. Do Not Splash in eyes. Do Not Contaminate water by cleaning of equipment or disposal ☐ ADDITIONAL PAGE(S) ATTACHED

I HEREBY CERTIFY THAT ALL INFORMATION SUBMITTED IN THIS AND ALL ATTACHED DOCUMENTS IS COMPLETE AND ACCURATE, AND THAT ALL KNOWN OR SUSPECTED HAZARDS HAVE BEEN DISCLOSED.

AUTHORIZED SIGNATURE

TITLE

DATE

James Murphy

PLANT MANAGER

5/16/85

E81947

WASTE PROFILE SHEET CODE

CERTIFICATION OF REPRESENTATIVE SAMPLE

GENERAL DIRECTIONS: IN ORDER TO DETERMINE WHETHER WE CAN ACCEPT THE SPECIAL WASTE DESCRIBED IN THE ABOVE NUMBERED PROFILE SHEET, WE MUST OBTAIN A REPRESENTATIVE SAMPLE OF THE WASTE. WE WILL ANALYZE THE SAMPLE TO VERIFY THE INFORMATION YOU HAVE PROVIDED US, SO IT IS PARTICULARLY IMPORTANT THAT THE SAMPLE BE TRULY REPRESENTATIVE. IN MOST CIRCUMSTANCES YOU WILL BE OBTAINING THE SAMPLE. HOWEVER, IN THOSE CASES IN WHICH WE OBTAIN THE SAMPLE, WE MUST ASK THAT ONE OF YOUR EMPLOYEES BE PRESENT TO DIRECT THE PARTICULAR SOURCE TO BE SAMPLED AND TO WITNESS THE SAMPLING. IN SUCH CASE, YOUR EMPLOYEE MUST SIGN THIS CERTIFICATION AS A WITNESS.

THIS CERTIFICATION MUST BE RETURNED, WITH THE REPRESENTATIVE WASTE SAMPLE, TO:

SUSAN HART
Chemical Waste Mgt.
41-36 Adams Center Rd.
Fort Wayne, IN 46806

THE UNDERSIGNED CERTIFIES THAT HE/SHE OBTAINED A REPRESENTATIVE SAMPLE OF THE WASTE MATERIAL DESCRIBED IN THE "GENERATOR'S WASTE MATERIAL PROFILE SHEET" ABOVE REFERENCED, AND THAT THE FOLLOWING REPRESENTATIONS ARE TRUE AND CORRECT:

1. HOUR AND DATE OF SAMPLING: 11 AM 5/16/85
2. SOURCE FROM WHICH SAMPLE TAKEN: 55gal drum
3. EQUIPMENT AND SAMPLING METHOD USED: Plastic Container
Plastic Liner
Composite
4. AMOUNT OF SAMPLE OBTAINED: 0.25 lb.
5. TYPE OF CONTAINER INTO WHICH SAMPLE WAS PLACED: Plastic
6. THE SAMPLING EQUIPMENT USED, AND THE CONTAINER INTO WHICH THE SAMPLE WAS PLACED, WERE THEMSELVES UNCONTAMINATED BEFORE USE.
7. AT THE TIME OF SAMPLING I AFFIXED A LABEL TO THE CONTAINER IN THE FOLLOWING FORM WITH THE FOLLOWING INFORMATION (FILL IN THIS PORTION, INCLUDING YOUR SIGNATURE, JUST AS IT APPEARS ON THE LABEL YOU PREPARED):

GENERATOR: American Chemical Service
 WASTE NAME: miscellaneous drum cleaning solvent
 SAMPLE HOUR/DATE: 11 AM 5/16/85
 PROFILE SHEET CODE: E81947
 SAMPLER SIGNATURE: [Signature]

WITNESS VERIFICATION: I WAS PERSONALLY PRESENT DURING THE SAMPLING DESCRIBED; I DIRECTED THE WASTE SOURCE TO BE SAMPLED; AND I VERIFY THE INFORMATION ABOVE NOTED.

WITNESS: JAMES MORRIS

SIGNATURE: [Signature]

TITLE: PLANT MANAGER

EMPLOYER: AMERICAN CHEMICAL SERVICE, INC.

DATE: 5/16/85

SAMPLER NAME: [Signature]

SIGNATURE: [Signature]

TITLE: Project Coordinator

EMPLOYER: IT CORP.

DATE: MAY 16, 1985

LABORATORY REVIEW OF SAMPLING PROTOCOL

BASED UPON MY REVIEW OF THE ABOVE PROFILE SHEET, I CONCLUDE THAT THE ABOVE METHODOLOGY IS:

☐ ADEQUATE FOR YIELDING A REPRESENTATIVE SAMPLE.

☐ INADEQUATE FOR THE REASONS NOTED HEREON.

DATE: _____

LAB MGR: _____

NOTE: DUSTING CAN
OCCUR WHEN OPENING
CONTAINER

SPECIAL WAS. ANALYSIS REPORT



This Report is intended for the sole use and benefit of Waste Management and its companies. No representation concerning significance of the reported data is made to any other person or entity.



WASTE PROFILE SHEET CODE



ES1947

FROM SAMPLE CONTAINER

LABORATORY NAME:

ACL

ADDRESS:

Adams Center Rd

LAB MGR. PHONE:

447-445585

DATE SAMPLE RECEIVED AT LAB:

6/3/85

DATE SAME TAKEN:

5/16/85

LAB SAMPLE NUMBER ASSIGNED:

06035-25

CERTIFICATION OF REP. SAMPLE OBTAINED

YES ☒ NO ☐

CERTIFICATION: Except as explicitly noted, all analytical data reported below were obtained under my direction and supervision, using sample preparation and analytical methods and analytical equipment specified or approved in the most recent "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," SW-846, USEPA Office of Solid Waste. This laboratory follows a quality assurance control program, including a sample chain of custody procedure.

DATE OF REPORT:

6/29/85

SIGNATURE:

[Signature]

LAB MANAGER NAME:

[Signature]

PHYSICAL CHARACTERISTICS OF WASTE

SAMPLE VOLUME

COLOR

1 qt

white

ODOR:

☐ NONE ☐ MILD

☒ STRONG

PHYSICAL STATE @ 70°F

☒ SOLID ☐ SEMI-SOLID

☐ LIQUID ☐ POWDER

LAYERS

☐ MULTILAYERED

☐ BI-LAYERED

☐ SINGLE PHASED

FREE LIQUIDS

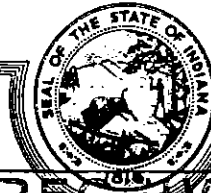
☐ YES ☒ NO

VOLUME %

DESCRIBE

Test	As Received	Extraction Procedure	Date of Analysis	Test	As Received	Extraction Procedure	Date of Analysis
Specific Gravity	1.10						
pH, s.u.	5.93						
Acidity % as							
Alkalinity % as				Phenols, mg/l			
C.O.D. mg/l				Cyanides, as CN Total mg/l			
B.O.D. mg/l				Cyanides, as CN Free mg/l			
Total Solids @ 105°C							
Total Dissolved Solids mg/l				Nitrogen Ammonia, as N mg/l			
Residue on Evaporation @ 180°C				Total Kjeldahl Nitrogen as N mg/l			
Flash Point F° (closed cup)	>100°F			Total Alkalinity, P as CaCO ₃ , mg/l			
Ash Content, on ignition (%)				Total Alkalinity M as CaCO ₃ , mg/l			
Heating Value, BTU/lb				Total Hardness as CaCO ₃ , mg/l			
"Acid Scrub," gNaOH/g				Calcium Hardness, as CaCO mg/l			
				Magnesium Hardness, as CaCO ₃ , mg/l			
Arsenic, as As, mg/l							
Barium, as Ba, mg/l							
Bromine as Br, mg/l				Oil and Grease, mg/l			
Cadmium, as Cd, mg/l							
Chromium, Total as Cr, mg/l							
Hexavalent Chromium as Cr, mg/l				Aldrin, mg/l			
Copper, as Cu, mg/l				Chlorides, mg/l			
Iron, Total as Fe, mg/l				DDT, mg/l			
Iron, dissolved, as Fe, mg/l				Dieldrin, mg/l			
Lead, as Pb, mg/l				Endrin, mg/l			
Manganese, as Mn, mg/l				Heptachlor, mg/l			
Magnesium, as Mg, mg/l				Lindane, mg/l			
Mercury, as Hg, mg/l				Methoxychlor, mg/l			
Nickel, as Ni, mg/l				Toxaphene, mg/l			
Selenium, as Se, mg/l				Parathion, mg/l			
Silver as Ag, mg/l				2,4, D, mg/l			
Zinc, as Zn, mg/l				2, 4, 5 TP (Silvex), mg/l			
				PCB's, mg/l			
				2, 3, 7, 8, TCDD, ug/l			
Bicarbonates, as HCO ₃ , mg/l				% M	0.2		
Carbonates, as CO ₃ , mg/l				% O	86.1		
Chlorides, as Cl, mg/l				% A	13.7		
Fluorides, as F, mg/l							
Nitrates, as NO ₃ , mg/l				Equitability	Pass		
Nitrite, as NO ₂ , mg/l				DEF	N/A		
Phosphate, as P, mg/l				Water Mx	1 S.S.		
Sulfate, as SO ₄ , mg/l				Cyanide Scrub	N/A		
Sulfides, as S, mg/l				Sulfide Scrub	N/A		

STATE OF INDIANA



INDIANAPOLIS 46206-1964

ENVIRONMENTAL MANAGEMENT BOARD

Mr. Donald Foster
Adams Center Landfill, Inc.
4636 Adams Center Road
Fort Wayne, IN 46806

RECEIVED

APR 06 1984

SCA-ADAMS CENTER

330 West Michigan Street
P. O. Box 1964

April 4, 1984

Dear Mr. Foster:

Re: Disposal of Arsenic Contaminated
Drum Liners (D004) from
American Chemical Service
Griffith, Indiana

This letter acknowledges the request for disposal dated
February 10, 1984, from Adams Center Landfill, Inc.

Approval is hereby granted for disposal of 30 drums per year of
arsenic contaminated drum liners (D004) at the Adams Center
Landfill, Inc., OPP. No. 2-1, Allen County. The waste is to be disposed
of in the separate disposal area of the landfill and covered with a
minimum of 12 inches of cover soil by the end of the working day.

The approval is granted subject to the following conditions:

1. If nuisance or pollution conditions are created, immediate
corrective action will be taken by the operator.
2. This approval will expire March 26, 1985.

This approval will be revoked if the landfill fails to maintain
compliance with 320 IAC 5-1, et seq. (Regulation SPC-18). Any necessary
local approval must be obtained from the Fort Wayne-Allen County Health
Department.

If you have any questions, please contact Mr. Ted Warner of the
Hazardous Waste Management Branch at AC 317/633-8525.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Ralph C. Pickard".

Ralph C. Pickard
Technical Secretary

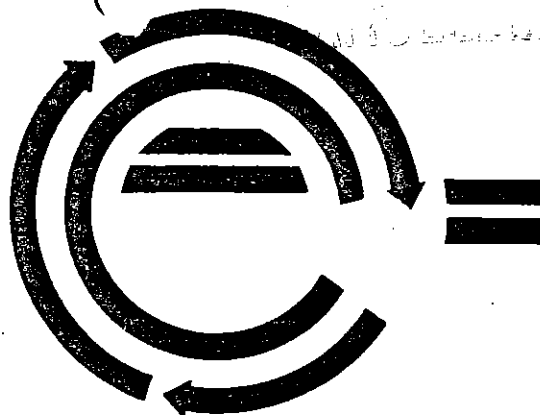
TFW/tr

cc: Fort Wayne-Allen County Health Department
Mr. James Tarpo, American Chemical Services

CADENCE CHEMICAL RESOURCES, INC.

P. O. Box 770
Michigan City, Indiana 46360

Telephone - (219) 879-0371



July 11, 1985

Mr. Jim Tarpo
American Chemical Services
P. O. Box 190
420 South Colfax Avenue
Griffith, IN 46319

Dear Jim:

In accordance with the terms of our contract with LTV Steel Corporation which is a five-year agreement to purchase Cadence Product 312 for their ironmaking plants located at East Chicago, Indiana, and Cleveland, Ohio, as a chemical feedstock for use as an injectant in the blast furnace, our agreement contains a ninety (90) day cancellation clause. Therefore, we can confirm to you that all manufactured product meeting the Cadence Product 312 specification which you have been producing for the past six years will be shipped to LTV Steel at the rate of a minimum of 70,000 gallons per week; and this material will be purchased from you at a price of \$.03/Gal. FOB your plant.

As you are aware, we have been shipping this material to LTV Steel for the past six years on a continuous basis without any interruptions. If for any reason the East Chicago plant was unable to take materials, the agreement requires LTV to pay the additional freight to the Cleveland facility.

As you are also aware, transforming hazardous waste into Cadence Product 312 is recycling. The recycling occurs at your facility from your production process which we have explained to the EPA is similar to the production of paint. Cadence Product 312 is a mechanical mixture as in paint, and its manufacture involves chemical and physical processing which is as complex and has as many manufacturing steps as the production of paint. The process includes a number of controlled sequential chemical engineering operations which transform crude, heterogeneous materials into a uniform, homogeneous product to be used in the ironmaking blast furnaces. Cadence Product 312 is just one of the commercial products produced at your facility and is not a hazardous waste; and its storage, transportation and use are not subject to Indiana or EPA hazardous waste regulations under any circumstances.

Mr. Jim Tarpo
Page 2
July 11, 1985


CANCELLED

Further, Cadence Product 312 is not burned for energy recovery. Rather, Cadence Product 312 is used and intended to be used in the ironmaking process for its chemical feedstock value. Any energy recovery is incidental and unavoidable.

Therefore, in accordance with our use of Cadence Product 312 in the ironmaking blast furnace at LTV Steel and our contract with that company, we can make the above commitments to you.

Very truly yours,

CADENCE CHEMICAL RESOURCES, INC.


Ted J. Reese
President

TJR/fmm

ADAMS CENTER LANDFILL, INC.

AN SCA SERVICES COMPANY
4636 Adams Center Road
Fort Wayne, Indiana 46806
(219) 447-5585



July 2, 1985

Indiana State Board of Health
5500 W. Bradbury Street
Indianapolis, IN 46241

Attn: Mr. Terry Gray

Dear Mr. Gray,

Enclosed please find a Chemical Waste Management profile sheet, COL E81949, and supporting data for the disposal of diatomaceous earth and miscellaneous paper from American Chemical Service, Inc. in Griffith, Indiana.

Chemical Waste Management has been requested to apply for an Indiana State Board of Health approval to dispose of 15 drums per year in the separate, secure area of the Adams Center RCRA Landfill in Fort Wayne, Indiana.

Your attention to this matter is sincerely appreciated. Please let me know if I can be of any assistance to your staff in approving this material for disposal at Adams Center.

Respectfully,

Cheryl D. Noone
Customer Service Representative

CDN/skh

enc.

JUL 8 12 30 PM '85
INDIANA STATE BOARD OF HEALTH



Waste Management, Inc. 363-902

GENERATOR'S WASTE MATERIAL PROFILE SHEET



WASTE PROFILE SHEET CODE

COL E81949
TSOR 1001

A GENERAL INFORMATION

GENERATOR NAME: American Chemical Service, Inc. TRANSPORTER: 06035-24
FACILITY ADDRESS: 420 So. Colfax TRANSPORTER PHONE:
Griffith, IN 46319 GENERATOR USEPA I.D. IND01636265
GENERATOR STATE I.D.
TECHNICAL CONTACT: Jim MURPHY TITLE: PLT. Mgr PHONE: (219)-924-4370
NAME OF WASTE: DIATOMACEOUS EARTH + Miscellaneous PAPER
PROCESS GENERATING WASTE: DISSOLUTION AND FILTRATION

B PHYSICAL CHARACTERISTICS OF WASTE

COLOR <u>Black / Brown</u>	ODOR <input type="checkbox"/> NONE <input checked="" type="checkbox"/> MILD <input type="checkbox"/> STRONG DESCRIBE <u></u>	PHYSICAL STATE @ 70°F <input checked="" type="checkbox"/> SOLID <input type="checkbox"/> SEMI-SOLID <input type="checkbox"/> LIQUID <input type="checkbox"/> POWDER	LAYERS <input type="checkbox"/> MULTILAYERED <input type="checkbox"/> BI-LAYERED <input checked="" type="checkbox"/> SINGLE PHASED	FREE LIQUIDS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO VOLUME <u></u> %
pH: <input type="checkbox"/> < 2 <input type="checkbox"/> 7.1-10 <input checked="" type="checkbox"/> N/A <input type="checkbox"/> 2-4 <input type="checkbox"/> 10.1-12.5 <input type="checkbox"/> 4.1-6.9 <input type="checkbox"/> > 12.5 <input type="checkbox"/> 7 <input type="checkbox"/> EXACT <u></u>	SPECIFIC GRAVITY <input type="checkbox"/> < .8 <input type="checkbox"/> 1.3-1.4 <input checked="" type="checkbox"/> .8-1.0 <input type="checkbox"/> 1.5-1.7 <input type="checkbox"/> 1.1-1.2 <input type="checkbox"/> > 1.7 <input type="checkbox"/> EXACT <u></u>	FLASH POINT <input type="checkbox"/> < 70°F <input checked="" type="checkbox"/> > 200°F <input type="checkbox"/> 70°F - 100°F <input type="checkbox"/> NO FLASH <input type="checkbox"/> 101°F - 139°F <input type="checkbox"/> EXACT <u></u> <input type="checkbox"/> 140°F - 200°F	<input type="checkbox"/> CLOSED CUP <input type="checkbox"/> OPEN CUP	

C CHEMICAL COMPOSITION (TOTALS MUST ADD TO 100%)

<u>DIATOMACEOUS EARTH</u>	<u>25</u> %
<u>PLASTICIZERS</u>	<u>75</u> %

D / METALS	TOTAL (PPM)	EPA EXTRACTION PROCEDURE (mg/L)
ARSENIC (As)	<u>1.2 mg/l</u>	SELENIUM (Se) <u>< 0.001</u>
BARIUM (Ba)	<u>2.46</u>	SILVER (Ag) <u>< 0.001</u>
CADMIUM (Cd)	<u>0.1</u>	COPPER (Cu) <u>N/D</u>
CHROMIUM (Cr)	<u>< 0.001</u>	NICKEL (Ni) <u>N/D</u>
MERCURY (Hg)	<u>< 0.0002</u>	ZINC (Zn) <u>N/D</u>
LEAD (Pb)	<u>< 0.01</u>	THALLIUM (Tl) <u>N/D</u>
CHROMIUM-HEX (Cr + 6)	<u>N/D</u>	

E / OTHER COMPONENTS - TOTAL (PPM)	
CYANIDES	<u>N.D.</u>
SULFIDES	<u>N.D.</u>
PCB'S	<u>N/A *</u>
PHENOLICS	<u>N/A</u>

F SHIPPING INFORMATION

D.O.T. HAZARDOUS MATERIAL? ☒ YES ☐ NO
PROPER SHIPPING NAME: ARSENICAL Compound Solid, N.D.S.
HAZARD CLASS: Poison B I.D. NO. UN1550 R.O. -
METHOD OF SHIPMENT: ☐ BULK LIQUID ☐ BULK SOLID
☒ DRUM (TYPE/SIZE) STEEL 55 GAL.
ANTICIPATED VOLUME: 150 GALS. 1/2 CUBIC YARDS
OTHER 2 drums
PER: ☐ ONE TIME ☐ WEEK ☐ MONTH
☒ QUARTER ☐ YEAR

G HAZARDOUS CHARACTERISTICS

REACTIVITY: ☒ NONE ☐ PYROPHORIC ☐ SHOCK SENSITIVE
☐ EXPLOSIVE ☐ WATER REACTIVE ☐ OTHER
OTHER HAZARDOUS CHARACTERISTICS:
☒ NONE ☐ RADIOACTIVE ☐ ETIOLOGICAL
☐ PESTICIDE MANUFACTURING WASTE ☐ OTHER
USEPA HAZARDOUS WASTE? ☒ YES ☐ NO
USEPA HAZARDOUS CODE(S) D004
STATE HAZARDOUS WASTE? ☒ YES ☐ NO
STATE CODE(S) D004

H SPECIAL HANDLING INFORMATION

* 6/28/85 CDW per Jim Murphy
Do Not allow direct skin contact. Do not splash in eyes. Do not
contaminate water by cleaning of equipment or disposal ☐ ADDITIONAL PAGE(S) ATTACHED

I HEREBY CERTIFY THAT ALL INFORMATION SUBMITTED IN THIS AND ALL ATTACHED DOCUMENTS IS COMPLETE AND ACCURATE, AND THAT ALL KNOWN OR SUSPECTED HAZARDS HAVE BEEN DISCLOSED.

AUTHORIZED SIGNATURE

TITLE

DATE

James MurphyPLANT MANAGER5/16/85

E81949

WASTE PROFILE SHEET CODE

CERTIFICATION OF REPRESENTATIVE SAMPLE

GENERAL DIRECTIONS: IN ORDER TO DETERMINE WHETHER WE CAN ACCEPT THE SPECIAL WASTE DESCRIBED IN THE ABOVE NUMBERED PROFILE SHEET, WE MUST OBTAIN A REPRESENTATIVE SAMPLE OF THE WASTE. WE WILL ANALYZE THE SAMPLE TO VERIFY THE INFORMATION YOU HAVE PROVIDED US, SO IT IS PARTICULARLY IMPORTANT THAT THE SAMPLE BE TRULY REPRESENTATIVE. IN MOST CIRCUMSTANCES YOU WILL BE OBTAINING THE SAMPLE. HOWEVER, IN THOSE CASES IN WHICH WE OBTAIN THE SAMPLE, WE MUST ASK THAT ONE OF YOUR EMPLOYEES BE PRESENT TO DIRECT THE PARTICULAR SOURCE TO BE SAMPLED AND TO WITNESS THE SAMPLING. IN SUCH CASE, YOUR EMPLOYEE MUST SIGN THIS CERTIFICATION AS A WITNESS.

THIS CERTIFICATION MUST BE RETURNED, WITH THE REPRESENTATIVE WASTE SAMPLE, TO:

SUSAN HART
Chemical Waste Mgmt
4636 Adams Center Rd
Fort Wayne, IN 46806

THE UNDERSIGNED CERTIFIES THAT HE/SHE OBTAINED A REPRESENTATIVE SAMPLE OF THE WASTE MATERIAL DESCRIBED IN THE "GENERATOR'S WASTE MATERIAL PROFILE SHEET" ABOVE REFERENCED, AND THAT THE FOLLOWING REPRESENTATIONS ARE TRUE AND CORRECT:

1. HOUR AND DATE OF SAMPLING: 11 AM 5/16/85
2. SOURCE FROM WHICH SAMPLE TAKEN: 55 gal. drum
3. EQUIPMENT AND SAMPLING METHOD USED: Plastic Container & Plastic Gloves
COMPOSITE
4. AMOUNT OF SAMPLE OBTAINED: 1 lb.
5. TYPE OF CONTAINER INTO WHICH SAMPLE WAS PLACED: PLASTIC
6. THE SAMPLING EQUIPMENT USED, AND THE CONTAINER INTO WHICH THE SAMPLE WAS PLACED, WERE THEMSELVES UNCONTAMINATED BEFORE USE.
7. AT THE TIME OF SAMPLING I AFFIXED A LABEL TO THE CONTAINER IN THE FOLLOWING FORM WITH THE FOLLOWING INFORMATION (FILL IN THIS PORTION, INCLUDING YOUR SIGNATURE, JUST AS IT APPEARS ON THE LABEL YOU PREPARED):

GENERATOR: American Chemical Service
 WASTE NAME: Dichloromethane EARTH + MISCELLANEOUS MATERIAL
 SAMPLE HOUR/DATE: 11 AM 5/16/85
 PROFILE SHEET CODE: E81949
 SAMPLER SIGNATURE: Larry Fox

WITNESS VERIFICATION: I WAS PERSONALLY PRESENT DURING THE SAMPLING DESCRIBED; I DIRECTED THE WASTE SOURCE TO BE SAMPLED; AND I VERIFY THE INFORMATION ABOVE NOTED.

WITNESS: JAMES MURPHY

SIGNATURE: James Murphy

TITLE: PLANT MANAGER

EMPLOYER: AMERICAN CHEMICAL SERVICE, INC.

DATE: 5/16/85

SAMPLER NAME: LARRY FOX

SIGNATURE: Larry Fox

TITLE: Project Coordinator

EMPLOYER: IT CORPORATION

DATE: May 16, 1985

LABORATORY REVIEW OF SAMPLING PROTOCOL.

BASED UPON MY REVIEW OF THE ABOVE PROFILE SHEET, I CONCLUDE THAT THE ABOVE METHODOLOGY IS:

☐ ADEQUATE FOR YIELDING A REPRESENTATIVE SAMPLE.

☐ INADEQUATE FOR THE REASONS NOTED HEREON.

DATE: _____

LAB MGR: _____

**SPECIAL WASTE ANALYSIS REPORT**

This Report is intended for the sole use and benefit of Waste Management and its companies.
No representation concerning significance of the reported data is made to any other person or entity.



WASTE PROFILE SHEET CODE



E 81949

FROM SAMPLE CONTAINER

LABORATORY NAME: A.C.L.
 ADDRESS: Adams Center Rd. LAB MGR. PHONE: 447-237 5585
 DATE SAMPLE RECEIVED AT LAB: 6/13/85 DATE SAMPLE TAKEN: 5/14/85
 LAB SAMPLE NUMBER ASSIGNED: 06035-28 CERTIFICATION OF REP. SAMPLE OBTAINED? ☒ YES ☐ NO
 CERTIFICATION: Except as explicitly noted, all analytical data reported below were obtained under my direction and supervision, using sample preparation and analytical methods and analytical equipment specified or approved in the most recent "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," SW 846, USEPA Office of Solid Waste. This laboratory follows a quality assurance control program, including a sample chain of custody procedure.
 DATE OF REPORT: 6/25/85 SIGNATURE: Arthur C. Peach
 LAB MANAGER NAME: Arthur C. Peach

PHYSICAL CHARACTERISTICS OF WASTE

SAMPLE VOLUME <u>1 qt</u>	COLOR <u>Black/paper</u>	ODOR: <input checked="" type="checkbox"/> NONE <input type="checkbox"/> MILD <input type="checkbox"/> STRONG	PHYSICAL STATE @ 70°F <input checked="" type="checkbox"/> SOLID <input type="checkbox"/> SEMI-SOLID <input type="checkbox"/> LIQUID <input type="checkbox"/> POWDER	LAYERS <input type="checkbox"/> MULTILAYERED <input type="checkbox"/> BI-LAYERED <input checked="" type="checkbox"/> SINGLE PHASED	FREE LIQUIDS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
DESCRIBE		VOLUME %			

Test	As Received	Extraction Procedure	Date of Analysis	Test	As Received	Extraction Procedure	Date of Analysis
Specific Gravity	<u>1.07</u>						
pH s.u.	<u>6.96</u>						
Acidity % as							
Alkalinity % as				Phenols, mg/l			
C.O.D. mg/l				Cyanides, as CN Total mg/l			
B.O.D. mg/l				Cyanides, as CN Free mg/l			
Total Solids @ 105°C							
Total Dissolved Solids mg/l				Nitrogen Ammonia, as N mg/l			
Residue on Evaporation @ 180°C				Total Kjeldahl Nitrogen as N mg/l			
Flash Point F° (closed cup)	<u>>100°F (Paper Burns)</u>			Total Alkalinity, P as CaCO ₃ mg/l			
Ash Content, on ignition (%)				Total Alkalinity M as CaCO ₃ mg/l			
Heating Value, BTU/lb				Total Hardness as CaCO ₃ mg/l			
"Acid Scrub," gNaOH/g				Calcium Hardness, as CaCO mg/l			
				Magnesium Hardness, as CaCO ₃ mg/l			
Arsenic, as As, mg/l							
Barium, as Ba, mg/l							
Bromine as Br, mg/l				Oil and Grease, mg/l			
Cadmium, as Cd, mg/l							
Chromium, Total as Cr, mg/l							
Hexavalent Chromium as Cr, mg/l				Aldrin, mg/l			
Copper, as Cu, mg/l				Chlorides, mg/l			
Iron, Total as Fe, mg/l				DDT, mg/l			
Iron, dissolved, as Fe, mg/l				Dieldrin, mg/l			
Lead, as Pb, mg/l				Endrin, mg/l			
Manganese, as Mn, mg/l				Heptachlor, mg/l			
Magnesium, as Mg, mg/l				Lindane, mg/l			
Mercury, as Hg, mg/l				Methoxychlor, mg/l			
Nickel, as Ni, mg/l				Toxaphene, mg/l			
Selenium, as Se, mg/l				Parathion, mg/l			
Silver as Ag, mg/l				2,4, D, mg/l			
Zinc, as Zn, mg/l				2, 4, 5 TP (Silvex), mg/l			
				PCB's, mg/l			
				2, 3, 7, 8, TCDD, ug/l			
Bicarbonates, as HCO ₃ , mg/l				<u>0.1 M</u>	<u>14.3</u>		
Carbonates, as CO ₃ , mg/l				<u>0.0</u>	<u>42.5</u>		
Chlorides, as Cl, mg/l				<u>0.0 A</u>	<u>43.3</u>		
Fluorides, as F, mg/l							
Nitrates, as NO ₃ , mg/l							
Nitrite, as NO ₂ , mg/l							
Phosphate, as P, mg/l							
Sulfate, as SO ₄ , mg/l							
Sulfides, as S, mg/l							
				<u>Ignitability</u>	<u>Pos</u>		
				<u>PFT</u>	<u>Pass</u>		
				<u>Water Mix</u>	<u>S. Sol</u>		
				<u>Cyanide Screen</u>	<u><100 ppm</u>		
				<u>Sulfide Screen</u>	<u><25 ppm</u>		

SECTION V - HEALTH HAZARD DATA			
THRESHOLD LIMIT VALUE		None Established	
EFFECTS OF OVEREXPOSURE	ACUTE	Eye or Skin Irritation, Arsenic Poisoning	
	CHRONIC	Arsenic Poisoning	
EMERGENCY AND FIRST AID PROCEDURES Flush contacted areas with copious amounts of water, remove contaminated clothing. Contact medical or poison control center for appropriate treatment of arsenical poisoning. BAL (2,3 dimercapto-1-propanol) 3 to 4 mg/kg by intramuscular injection every four hours first day; every 6 hours second day; followed with every 8 hours for 7 to 10 days has been recommended.			
SECTION VI - REACTIVITY DATA			
STABILITY	UNSTABLE	CONDITIONS TO AVOID	
	STABLE	None Known	
INCOMPATIBILITY (MATERIALS TO AVOID FOR PURPOSES OF TRANSPORT, HANDLING & STORAGE ONLY) Food stuffs (Ship as Poison B); Corrosive (Skin and Eye).			
HAZARDOUS DECOMPOSITION PRODUCTS Arsemic Fumes			

SECTION VII - SPILL OR LEAK PROCEDURES	
STEPS TO BE TAKEN IN CASE MATERIAL IS RELEASED OR SPILLED: Confine spill, remove all materials plus contaminated soil etc., repackage in a D.O.T. approved drum and arrange for disposal or recycling.	
WASTE DISPOSAL (INSURE CONFORMITY WITH LOCAL DISPOSAL REGULATIONS) This material is a hazardous waste under RCRA.	

SECTION VIII - PERSONAL PROTECTION INFORMATION			
RESPIRATORY PROTECTION		Respirator	
VENTILATION	LOCAL EXHAUST		
	MECHANICAL (General)		
PROTECTIVE GLOVES		Yes	EYE PROTECTION Goggles
OTHER PROTECTIVE EQUIPMENT		Overall	

SECTION IX - HANDLING AND STORAGE PRECAUTIONS	
PRECAUTIONS TO BE TAKEN IN HANDLING AND STORING Keep away from food and clothing.	
OTHER PRECAUTIONS	
DATE OF ISSUE 7/25/85	
<input checked="" type="checkbox"/> NEW <input type="checkbox"/> REVISED: SUPERSEDES	APPROVED BY: _____ TITLE: President

BOARD OF HEALTH
 STATE
 DIVISION OF LAND
 POLLUTION CONTROL
 Aug 26 11 36 AM '85

17
APR 04 1984

Mr. Donald Foster
Adams Center Landfill, Inc.
4636 Adams Center Road
Fort Wayne, IN 46806

Dear Mr. Foster:

Re: Disposal of Arsenic Contaminated
Drum Liners (D004) from
American Chemical Service
Griffith, Indiana

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February 10, 1984, from Adams Center Landfill, Inc.

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Landfill, Inc., OPP. No. 2-1, Allen County. The waste is to be disposed
of in the separate disposal area of the landfill and covered with a
minimum of 12 inches of cover soil by the end of the working day.

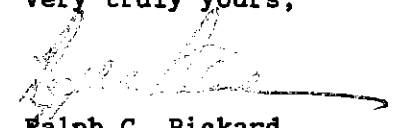
The approval is granted subject to the following conditions:

1. If nuisance or pollution conditions are created, immediate
corrective action will be taken by the operator.
2. This approval will expire March 26, 1985.

This approval will be revoked if the landfill fails to maintain
compliance with 320 IAC 5-1, et seq. (Regulation SPC-18). Any necessary
local approval must be obtained from the Fort Wayne-Allen County Health
Department.

If you have any questions, please contact Mr. Ted Warner of the
Hazardous Waste Management Branch at AC 317/633-8525.

Very truly yours,


Ralph C. Pickard
Technical Secretary

TFW/tr
cc: Fort Wayne-Allen County Health Department
Mr. James Tarpo, American Chemical Services
bcc: Landfill File
Approval Book

tr 1347m 3/29/84

ADAMS CENTER LANDFILL, INC.

AN SCA SERVICES COMPANY
4636 Adams Center Road
Fort Wayne, Indiana 46806
(219) 447-5585

FEB 16 10 15 AM '84

DIV. OF LAND POLLUTION CONTROL
STATE DEPT. OF HEALTH



Land Pollution Control Board
Indiana State Board of Health
1330 West Michigan Street
Indianapolis, IN 46206

Date: February 10, 1984

ATTN: Mr. Jim Hunt

Adams Center Landfill, Inc. hereby requests your approval to landfill the following waste in the separate disposal area.

1. Generator: American Chemical Service Contact: James Tarpo
Colfax at C & O RR Phone: (312) 768-3400
Griffith, IN 46319 EPA ID: IND 016 360 265
2. Waste Identification: Arsenic contaminated drum lines EPA ID# D004
3. Generation Rate: 30 drums PER year
(yds, drums, tons, etc) (week, month, year, one-time, etc)
4. Generation Process: Emptying poly lined drums containing 10, 10 oxy hisphen oxy
arsine (see atached)
5. Physical Properties: Flash Point >212 °F Phase solid pH 7-9
Specific Gravity 0.7 Viscosity high
6. Transporter: Mr. Frank, Inc. Contact: Rich Grad
201 155th Street Phone: (312) 596-3377
South Holland, IL 60473 EPA ID: ILD 069 506 160
7. T.S.D.F.: Adams Center Landfill, Inc. Contact: Nancy Bittner
4636 Adams Center Road Phone: (219) 447-5585
Fort Wayne, IN 46806 EPA ID IND 078 911 146

Sincerely yours,

Nancy Bittner, Facility Service Coordinator
ADAMS CENTER LANDFILL, INC.

Encl: Analytical Support

THIS IS ON HILD. JM TARP TO
SEND SAFETY DATA SHEET TO
10/3/8

WASTE PRODUCT RECORD

CECOS
INTERNATIONAL
CHEMICAL AND ENVIRONMENTAL CONSERVATION SYSTEMS
4879 Spring Grove Ave., Cinti., O. 45232
(513) 681-5731

THIS SECTION TO BE COMPLETED BY THE WASTE GENERATOR
(See instructions for guidance in completing this record)

GENERATOR NAME <i>AMERICAN CHEMICAL SERVICE</i>	BILL TO NAME <i>Mr. Frank Inc.</i>
SITE ADDRESS <i>COLSAX AT C. & O. R.R. GRIFFITH, IN. 46519</i>	BILLING ADDRESS <i>474</i>
WASTE NAME <i>ARSENIC CONTAMINATED DRUM LINERS</i>	PROCESS GENERATING THIS WASTE <i>Improving Poly Lined Drums</i>

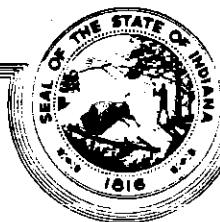
BUSINESS CONTACT/TITLE <i>JAMES TARP, President</i>	TECHNICAL CONTACT/TITLE <i>Frank</i>
NAME	NAME
PHONE NO. <i>512 718-3400</i>	PHONE NO.

WASTE DESCRIPTION (AT 70°F)		CHEMICAL COMPOSITION - (Use Chemical or IUPAC Nomenclature)	
PHYSICAL STATE : <input checked="" type="checkbox"/> SOLID <input type="checkbox"/> SEMI-SOLID <input type="checkbox"/> LIQUID	DESCRIBE	COMPONENT	RANGE
VISCOSITY : <input type="checkbox"/> LOW <input type="checkbox"/> MEDIUM <input checked="" type="checkbox"/> HIGH		1010 OXYBISPHENOL A RESIN	0.8 % 0.1 to 0.8 %
SPECIFIC GRAVITY/DENSITY : <i>0.7</i>		Polyethylene Liner From Drum	98.2 % 99.9 to 99.9 %
FLASH POINT (°F) : <i>> 212</i>	<input checked="" type="checkbox"/> CLOSED CUP <input type="checkbox"/> OPEN CUP		
pH (INDICATE RANGE) : <i>7.69 (10.5 to 11.5)</i>			

PHASE/LAYERING : TOP : <input type="checkbox"/> SOLID <input type="checkbox"/> LIQUID	IS THIS WASTE RADIOACTIVE, EXPLOSIVE, PYROPHORIC OR SHOCK SENSITIVE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
: MIDDLE : <input type="checkbox"/> SOLID <input type="checkbox"/> LIQUID	IS THIS WASTE WATER OR AIR REACTIVE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
: BOTTOM : <input type="checkbox"/> SOLID <input type="checkbox"/> LIQUID	DOES THIS WASTE MATERIAL CONTAIN: OSHA CARCINOGENS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO PESTICIDES <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO PCB's <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
SOLIDS: <input type="checkbox"/> BY WEIGHT <input type="checkbox"/> BY VOLUME : DISSOLVED : <input type="checkbox"/> SUSPENDED : <input type="checkbox"/> %	IF YES, REFLECT IN CHEMICAL COMPOSITION.
STU/LB : <input type="checkbox"/> %	
ASH CONTENT @ 650°C : <input type="checkbox"/> %	
CHLORINE BY WEIGHT (%) : <input type="checkbox"/> %	
SULFUR BY WEIGHT (%) : <input type="checkbox"/> %	

CONFIDENTIALITY REQUESTED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IF YES, SUPPORTING DATA MUST ACCOMPANY
Is this waste "A Hazardous Waste" as defined by Part 261 of the U.S. Environmental Protection Agency Resource Conservation & Recovery Act? (RCRA) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	IF YES PROVIDE THE EPA HAZARDOUS WASTE NUMBER(S)
FACILITY EPA I.D. NUMBER <i>IND016360265</i>	

STATE OF INDIANA



0473W
1B2
file
INDIANAPOLIS

STATE BOARD OF HEALTH
AN EQUAL OPPORTUNITY EMPLOYER

Address Reply to:
Indiana State Board of Health
1330 West Michigan Street
P. O. Box 1964
Indianapolis, IN 46206-1964

Mr. James Tarpo
American Chemical Services, Inc.
420 South Colfax Avenue
Griffith, IN 46319

July 1, 1985

Dear Mr. Tarpo:

Re: Request for Information
Waste Disposal at Gary
Development Company, Inc.
Gary, Indiana

This is to request copies of any hazardous waste manifests maintained by American Chemical Service, Inc., for wastes shipped to Gary Development Company, Inc., at 479 North Cline Avenue, Gary, Indiana (EPA Identification No. 077005916).

Earlier inspections at American Chemical Services, Inc., indicated that approximately 33 shipments of hazardous waste, labeled "F005," were sent by manifest to Gary Development in 1981. We would appreciate receiving copies of these and any other manifests for hazardous wastes shipped to this site.

It is also our understanding that other shipments of the same material were erroneously sent without manifests to this site until early 1981. We would appreciate any information you may have on these shipments as well as any other hazardous wastes generated by your firm which were transported to Gary Development Company, Inc., for disposal.

This request is necessitated by Gary Development Company's desire to undergo closure as a hazardous waste disposal facility and will aid us in determining the required nature and extent of closure activities at this site.

Thank you for your cooperation and assistance in this matter.

Very truly yours,


Guinn Doyle, Chief
Hazardous Waste Management Branch
Division of Land Pollution Control
317/243-5021

TLR/csc

cc: Ms. Sally Swanson, U.S. EPA, Region V

STATE BOARD OF HEALTH

INDIANAPOLIS

IBI 3
Mike Suckale 7/3/85
Lake Co.

OFFICE MEMORANDUM

TO: Thomas L. Russell, ^{TR} Chief
Enforcement Section

FROM: Ted Warner ^{TW}
Compliance Monitoring Section

SUBJECT: American Chemical Service
Griffith, Indiana

DATE: June 28, 1985

THRU: Dave Berrey ^{DWB}

On May 28, 1985, I conducted an investigation of the fuels blending operation at American Chemical Service in Griffith, Indiana. Mr. Tom Golz of U.S. EPA, Region V, conducted an oversight inspection during this visit. The facility was represented by Mr. James Tarpo. This inspection at American Chemical Service was conducted in order to track the blending process and to obtain chem fuel specifications for LTV Steel Company. During the previous week, I inspected the LTV Steel Company of East Chicago, Indiana. I was aware through a working knowledge of the area that the LTV Steel Company was receiving chem fuel from American Chemical Service. The LTV Steel Company claims this fuel is used as a carbon and chlorine source only. The LTV Steel Company has notified on a Federal and State Part A of the storage in tanks for spent pickle liquor only and not for the storage of this chem fuel.

Mr. Tarpo conducted a tour of the American Chemical Service blending process with the assistance of a unit operator. Mr. Tarpo explained and demonstrated in detail the flow of the waste through American Chemical Service.

The process starts in one of three ways: manifested bulk shipments into the center tank farm or crude tank farm, manifested bulk shipments directly to the waste fuel tank farm, or manifested 55-gallon containers to the drum storage and process area. In all three situations, the waste material is filtered prior to introduction to the storage tanks. From the crude tank farm, waste material is piped to one of the three batch pot stills or the fractionation unit. In addition to the operational information that Mr. Tarpo was providing, I asked what specifically happens with the still bottoms generated in their process. Mr. Tarpo pointed out the single four-inch line that the still bottoms are piped through to the waste fuel tanks. We followed that line from the stills to the waste fuel tank farm. This line is approximately eight feet above ground level.

The bulk shipments introduced directly into the waste fuel tank farm appear to be manifested as D001. I make this assumption only by a spot check of the records.

The waste from the 55-gallon containers is filtered and piped to either the tank farm or the fuel tank farm depending on the waste. All of American Chemical Service's hazardous waste activities are trackable through their still run record, their tank inventory record, and their waste fuel blend record.

It is clear and evident that the chem fuel produced by American Chemical Service contains listed hazardous waste. The fuel contained both spent solvents and still bottoms from the list in 40 CFR 261.3.

I recommend that the Enforcement Section direct Mr. Tarpo to manifest his chem fuel to the final burner. A final point of information obtained during this visit was that Mr. Tarpo stated that the price of the fuel is set by BTU value and not by chlorine content.

TFW/tr
Attachments

1A
JUN 30 1983

Mr. Glen Reyone, Director of Public Works
City of Griffith
111 North Broad Street
Basement Floor
Griffith, IN 46319

Dear Mr. Reyone:

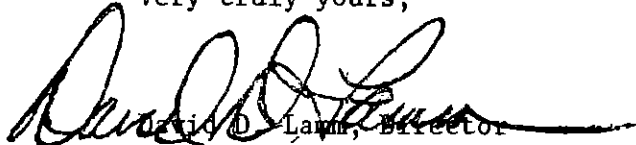
Re: American Chemical Service

Thank you for your recent inquiry into the nomination, by the State of Indiana to the U.S. Environmental Protection Agency, for inclusion of American Chemical Services (ACS), on the National Priorities List. The National Priorities List (NPL) is a nationwide list of sites that are actually or potentially causing environmental contamination from past disposal practices.

American Chemical Services was nominated due to its past practices of disposing of hazardous wastes into two disposal areas. One disposal area is located in a portion of the Griffith Sanitary Landfill. Groundwater contamination has been discovered at this area. The other disposal area is located on ACS property. If ACS is included on the NPL, funds could then be available for study of the area groundwater to determine the extent of contamination.

If you have any questions, please contact Mr. Jim Knoy at 317/633-0208.

Very truly yours,


David D. Lamm, Director
Division of Land Pollution Control

JAK/tw

cc: Mr. Russell E. Diefenbach, Chief
Remedial Response Section, U.S. EPA
bcc: Mr. Guinn Doyle
tw 6023m 6/8/83

JUN 18 1985

SHS-17

Guinn Doyle, Chief
Hazardous Waste Management Branch
Division of Land Pollution Control
Indiana State Board of Health
1330 West Michigan Street
Post Office Box 1964
Indianapolis, Indiana 46206-1964

RE: Corrective Action Response Review
American Chemical Service, Incorporated
IWD 616360265

Dear Mr. Doyle:

Enclosed is a copy of information we received from the referenced facility, addressing the "continuing release" provisions of the Hazardous and Solid Waste Amendments of 1984. Please review this information, and complete the enclosed form entitled "RCRA Facility Review for Solid Waste Management Units." We also encourage you to provide us any and all additional information that is pertinent to a consideration of continuing releases at this facility. We will take no final actions concerning this facility without your full participation in the decision-making process.

We ask that you return the completed form, plus any additional information to us (1) within two weeks of your receipt of this letter, for facilities which have indicated "no releases", and (2) within four weeks for facilities which have indicated prior or continuing releases of any kind.

Please feel free to call the previously identified permit writer during the progress of your review with any questions or comments.

Sincerely yours,

Edith H. Ardiente, P.E.
Chief, Technical Programs Section

Enclosures

bcc: Part B Docket SHS/Weber:vc 6/14/85 Disk #12

INITIALS	TYPIST	AUTHOR	STU #1 CHIEF	STU #2 CHIEF	STU #3 CHIEF	Act TPS CHIEF	WMB CHIEF	WMD DIRECTOR
	YOC	EW	JGO			DJB		
DATE	6/14/85	6/14/85	6/14/85			6/17/85		

acting

n.k. 6/14/85

American Chemical

STATE BOARD OF HEALTH

INDIANAPOLIS

Berrey 3

OFFICE MEMORANDUM

DATE: June 13, 1985

TO: Guinn Doyle, Chief
Hazardous Waste Management Branch

THRU: James Hunt *RAS*
Bruce Palin *BHP*

FROM: Dave Berrey *DuB*
Compliance Monitoring Section

SUBJECT: Application of State Hazardous Waste Regulations
to Fuels Blended from Hazardous Waste

This memo updates the memo of February 18, 1983, from Mr. Bruce Palin and is based on discussion of the above topic during a meeting held on May 17, 1983. Staff members present at this meeting were Messrs. Guinn Doyle, Bruce Palin, James Hunt, Ted Warner, Ms. Christa Henson, and I.

Staff have been wrestling with the problems associated with fuel blending for quite sometime. The biggest problem is that many blenders consider their blending operation a recovery process which produces a product. They then claim that since the hazardous waste fuel is a product, our office has no control over the transportation of or ultimate use of the product.

Based upon our discussion during this meeting, it has been (in most cases) and will continue to be the position of this office, that the blending of any hazardous waste into any other material is a "treatment" which makes the waste "more amenable for recovery" and that the actual recovery (of energy) does not occur until the fuel is burned at a facility.

This logic is consistent with the definitions found in State and Federal regulations. It is also consistent with the proposed (40 CFR Part 266, January 11, 1985) rules for hazardous waste fuels and used oil fuels.

The following is a discussion of how this position impacts the various groups involved based upon current State regulation.

Generator

Of primary concern to a generator is whether or not they can claim a recycling exemption for their waste. State regulation requires that a hazardous waste be transported directly to and used at a facility having a 320 IAC 4, Rule 9, permit for the generator to claim any exemption, and then an exemption can only be claimed on a characteristic hazardous waste. Since in most cases a "blender" is not also a user

(burner) with a 320 IAC 4, Rule 9, permit, the waste would be fully regulated at the generator's site and during transportation (must be manifested). In the rare situation where the blender and user are the same and has a Rule 9 permit and the waste was characteristic, the generator could claim an exemption. In all situations, a listed waste would be fully subject to regulation.

Blender

The blender would have to obtain a hazardous waste treatment permit for his blending operation, and all hazardous waste fuels would have to go to a Rule 9 facility for recovery. When shipping a hazardous waste fuel off-site, a blender assumes the role of a generator and the same provisions apply. If the fuels were derived only from characteristic waste, the blender could claim an exemption for storage and transportation provided delivery to a Rule 9 facility was assured. A hazardous waste fuel derived from a listed waste would be fully subject to transportation and storage.

Burner

In all cases, a burner of hazardous waste fuels would have to have a Rule 9 permit as a recovery facility. Since at the present time our State regulations do not contain standards for recovery operations, only general facility and storage requirements would apply during the facility interim status period. Recovery standards will have to be determined on a case-by-case basis. Two approaches to doing this could be taken:

1. Regulating what goes into the recovery unit. This could be done by setting fuel standards.
2. Regulating what comes out of the recovery unit. There was some concern that this gets into the realm of the air pollution people.

Other items which need to be resolved involve the need for construction permits or just the Rule 9 operating permit. It must also be determined what the role of the Siting Authority will be. It may be appropriate to hold off any decisions until final rules are promulgated by the EPA on this matter.

DWB/tr

cc: Ms. Christa Henson
Mr. Ted Warner



Kimberly Clark

RCA File
American Chemical

MAY 20 2 30 PM '85
DIV. OF LAND POLLUTION CONTROL
STATE BOARD OF HEALTH

1A

May 23, 1985

Indiana State Board of Health
Attn: Divisional Land Pollution Control
1330 West Michigan Street
Indianapolis, Indiana
46206

Dear Sir:

Attached is Copy 1 of the Wisconsin Uniform Hazardous Waste Manifest.

If you have any questions, please contact John Chinapha at
(414)721-3321.

Yours Sincerely,


John Chinapha

cmn

Attachment

cc: L. Brandenburg
R. Rintamaki-KCN
File: Pollution Abatement:
Hazardous Waste Manifest

STATE OF WISCONSIN

Mail Copies To:

State of Wisconsin
Department of Natural Resources
Bureau of Solid Waste Mgt.
Box 8094
Madison, Wisconsin 53708

FOR DNR USE ONLY

Form 4400-66 Rev. 7-84
Chapter 144, Wis. Stats.

Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. W.I.D.O.O.O.7.1.3.0.9.9		Manifest Document No. 0.3.5.7.2		2. Page 1 of 1		Information in the shaded areas is not required by Federal law.					
3. Generator's Name and Mailing Address Kimberly-Clark Corporation - Lakeview Mill 249 North Lake Street Neenah, Wisconsin 54956						A. State Manifest Document Number WI 03572							
4. Generator's Phone (414) 721-3321						B. State Generator's ID							
5. Transporter 1 Company Name ABC Services Inc.						C. State Transporter's ID							
6. US EPA ID Number W.I.D.O.7.6.1.5.9.8.3.9						D. Transporter's Phone 414-552-9090							
7. Transporter 2 Company Name						E. State Transporter's ID							
8. US EPA ID Number						F. Transporter's Phone							
9. Designated Facility Name and Site Address American Chemical Services 420 South Colfax Griffith, Indiana 46319						G. State Facility's ID							
10. US EPA ID Number I.N.D.O.1.6.3.6.0.2.6.5						H. Facility's Phone (219) 924-4370							
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)						12. Containers No. Type		13. Total Quantity		14. Unit Wt/Vol		I. Waste No.	
a. Waste Turpentine, Flammable Liquid, UN1299						3 D M		1.6.5		G		D001	
b.						.		.		.		.
c.						.		.		.		.
d.						.		.		.		.
J. Additional Descriptions for Materials Listed Above						K. Handling Codes for Wastes Listed Above							
15. Special Handling Instructions and Additional Information Alternate TSDF: Return to Generator													
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations and according to the requirements of the Wisconsin Department of Natural Resources.										Date			
Printed/Typed Name John Chinapha						Signature John Chinapha				Month Day Year 05 23 85			
17. Transporter 1 Acknowledgement of Receipt of Materials										Date			
Printed/Typed Name TIMOTHY R. NORMAN						Signature Timothy R. Norman				Month Day Year 05 23 85			
18. Transporter 2 Acknowledgement of Receipt of Materials										Date			
Printed/Typed Name						Signature				Month Day Year			
19. Discrepancy Indication Space													
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.										Date			
Printed/Typed Name						Signature				Month Day Year			

Emergency 24 Hour Assistance Telephone Number
In Wisconsin (608-266-3232)
Outside Wisconsin (800-424-8802)

Distribution: 1 - BSWM 4 - Facility
2 - Generator 5 - Generator
3 - BSWM 6 - Transporter
BSWM Copies 1 & 3 mail to above.



American Chemical Service, Inc.

P.O. Box 190 • Griffith, Indiana 46319
(219) 924-4370 • Chicago Phone (312) 768-3400

May 21, 1985

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Karl J. Klepitsch, Jr.
Chief, Solid Waste Branch
Chicago, Illinois

RE: Corrective Action Requirements
Hazardous and Solid Waste
Amendments of 1984
American Chemical Services
IND 016360265

Dear Mr. Klepitsch,

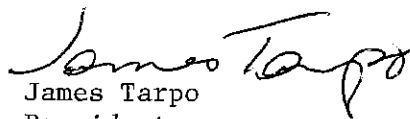
As you know, your agency has listed American Chemical Service, Inc. on the National Priority List (NPL).

In October of 1984 a detailed Request for Information was submitted by the E.P.A. to A.C.S. It related to all of our activities at this location during our entire time of operation, 1955 to the present. Our response dated January 18, 1985, deals specifically and in great detail with points 1,2,3 and 4, of your Certification request. We Assume you have access to our response and have so noted on your request.

We do not have specific information relating to the extent nor the type of contamination that may be present. We expect a R.I./F.S. to begin some time this year. In 1986 we would expect some remedial action to be taken.

We would hope that this matter would not adversely affect our ability to be permitted, since we are one of the most technologically advanced companies in the hazardous waste area.

Yours very truly,


James Tarpo
President

RECEIVED
MAY 28 1985

WMD-RAIU
EPA, REGION V

JT/r1

Enclosure

COPY 2



American Chemical Service, Inc.

P.O. Box 190 • Griffith, Indiana 46319
(219) 924-4370 • Chicago Phone (312) 768-3400

May 21, 1985

RECEIVED

MAY 28 1985

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Karl J. Klepitsch, Jr.
Chief, Solid Waste Branch
Chicago, Illinois

U.S. EPA, REGION 7

RE: Corrective Action Requirements
Hazardous and Solid Waste
Amendments of 1984
American Chemical Services
IND 016360265

Dear Mr. Klepitsch,

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We would hope that this matter would not adversely affect our ability to be permitted, since we are one of the most technologically advanced companies in the hazardous waste area.

Yours very truly,

James Tarpo
James Tarpo
President

RECEIVED

MAY 28 1985

WMD-BAIV
EPA REGION 7

JT/rl

Enclosure

COPY

STATE BOARD OF HEALTH

INDIANAPOLIS

OFFICE MEMORANDUM

DATE: March 27, 1985

TO: American Chemical Services File
Griffith, Indiana

THRU: Jacqueline W. Strecker *JWS*

FROM: Wallace Turner *WTS 4/1*
Project Coordinator

SUBJECT: State/EPA/Contractor/City of Griffith/American Chemical
Services/Pazme Drums Meeting

On Tuesday, March 12, 1985, State Project Coordinator, Wallace Turner, met with Mr. Rodney Gaither, U.S. Environmental Protection Agency (EPA); Mr. James Burton and Mr. Edward Nead, Weston, Inc., Consultants; Mr. Glen Reyome, City of Griffith, Public Works Manager; Mr. Tarpo and Mr. Murphy of American Chemical Services; and Mr. Pazme of Pazme Drums. Three different meetings were held throughout the day. The first meeting was between City of Griffith officials, EPA, Weston, and the State. The purpose of this meeting was to discuss the history of the City of Griffith Sanitary Landfill. The City of Griffith originally began using an old gravel pit which became the city dump in the 1950's. This site is located south of American Chemical Services, Pazme Drums, and the current City of Griffith Sanitary Landfill. The original city dump was excavated down to only ten feet below surface level before filling began by the City. When the filling was completed, it was capped with clay.

By this time (late 1960's), additional land had been acquired by the City of Griffith to construct the current sanitary landfill. A ditch was dug around the landfill to collect leachate. The leachate is currently pumped by a pumphouse to the sanitary sewer.

Public water for city consumption is bought from the Gary/Hobart Water Company. This water is drawn from Lake Michigan. The leachate, wells tested, and soil boring logs from the sanitary landfill is available from the city's files. Weston has requested this information be sent to them by the city. The area served by the public water system borders Broad Street on the south through Avenue H, then turns west. Therefore, the remainder of the area, minus the public water system, depends on private wells for their water supply. This area also includes the sanitary landfill.

A tour of the sanitary landfill was then conducted by Mr. Glen Reyome. The boundaries were identified bordering American Chemical Services and Pazme Drums. Also, the topographical layering of the landfill was observed.

At 10 a.m., a meeting was held at American Chemical Services with Mr. Tarpo, President, and Mr. John Murphy in attendance. The purpose of this meeting was to discuss and verify data supplied to Weston, Inc., by Mr. Tarpo. Based on this data, an action letter will be sent by EPA to American Chemical Services. This letter will outline the options available to American Chemical Services as to whether or not any remedial action is indicated.

At 1:30 p.m., an inspection tour was conducted by Mr. Tarpo and Mr. Murphy of American Chemical Services (ACS) property with EPA, State, and contractors in attendance. The fenced-in area of ACS was surveyed first with the inclusion of the distillation process and 55-gallon drum recycling process. Both of these processes are regulated by RCRA and are operating under standard operating procedures. The remainder of the property was inspected for location of old settling pits. These three pits were dug by ACS for early distillation processing. As the pits were retired from use, they were filled with perforated 55-gallon drums. After the bottom sludge completely filled the perforated drums, they were capped with clay by ACS. After ACS reached their property line bordering with the City of Griffith Landfill, the City took over the filling process. The fill material was changed from clay that ACS was using to mix gravel and trash material by the City of Griffith.

There are four deep wells located on ACS property. When asked about well logs, ACS stated that they had no record of the logs or data. Weston, Inc., asked for the names of the contractors who dug the wells. ACS furnished the name of the contractor and Weston will contact them for the information.

At 2:30 p.m., Mr. Pazme of Pazme Drums, south of ACS, was contacted. Mr. Pazme conducted an inspection of his premises for EPA, State, and the contractors. There were approximately 200 empty drums on the property belonging to ACS. These drums and others had been on this property when Mr. Pazme originally bought the property from Kapica Drums. Fifty-five gallon drums are no longer cleaned and recycled at this facility. Mr. Pazme is planning to sell the remaining drums he has, then drop the recycling of 55-gallon drums. Mr. Pazme has owned this land for approximately five years. During the inspection, there were many 55-gallon drums on ACS property that were not shown to us by Mr. Tarpo.

WRT/tr

cc: Guinn Doyle

STATE BOARD OF HEALTH

INDIANAPOLIS

OFFICE MEMORANDUM

DATE: March 12, 1986

THRU: Christa O. Henson *COH 3-17-86*
Bruce H. Palin *BHP 3/17/86*
Terry F. Gray *TFG 3/18/86*TO: Dennis E. Williamson *DEW 3/18/86*
Plan Review and Permit SectionFROM: *DAB 3-6*
Dale A. Beal
Engineering SectionSUBJECT: American Chemical Services, Inc.
Part B Application Revision of September 25, 1985
IND 016360265

Attached are the technical review comments and questions resulting from the review of the revision to the Part B application of American Chemical Services, Inc. The revision was received at the Division of Land Pollution Control on September 25, 1985. The technical comments are referenced, where possible, first, to the indexing system of the Technical Evaluation Checklist; second, to the September 25, 1985, revision; third, to the subheadings of the standard Technical Evaluation Checklist; and finally, to the State hazardous waste regulations.

As I was unfamiliar with the facility, a review of the original Part B was also necessary. As such, there are several references to the original Part B. The main purpose of the review though was to determine compliance with the May 14, 1985, EPA Notice of Deficiency. However, due to the rather jumbled nature of the original Part B, the differences between the original application and the revision, and the changes required by the comments of this memo, I am requesting that the applicant rewrite the Part B application using the standard Technical Evaluation Checklist as a format guide. In any case, some type of indexed format should be utilized.

DAB/cl
Attachments

Technical Comments
American Chemical Service, Inc.
Part B Application Revision of September 25, 1985
IND 016360265

Section B-Facility Description

B-2: Topographic Map (320 IAC 4.1-34-5(b))

Provide a wind rose of the facility.

Provide a plan of the entire facility which indicates the position of each RCRA tank and the piping and process flow between all hazardous waste processing and/or storage locations. Include the storage pit for spills from the solvent recovery operation and describe how material enters/leaves this location. Also, include the former solids mixing area and detail methods used to close this area, i.e., the closure plan.

Explain the discrepancy between the tank storage data in the original Part B and the revision regarding the injectant tank farm. Tanks 202, 205, and 206 of the revision have either different numbers or dimensions in the original Part B application.

Section D-Process Information

D-1a(1), Page CS-1, Item 1: Description of Containers:
320 IAC 4.1-48-2, 320 IAC 4.1-48-3

Provide the dimensions of the containers.

D-1a(2), Page CS-3: Container Management Practices: 320 IAC 4.1-48-4

The layout of the container storage area does not specify the location of the different waste types as per comment B3 of the May 19, 1985, EPA Notice of Deficiency (hereafter referred to as the NOD).

D-1a(3)(a), Page CS-1, Item 3: Requirement of the Base or Liner to Contain Liquids: 320 IAC 4.1-34-6(a)(1)

Describe the construction materials and dimensions of the sump.

D-1a(3)(c), Page CS-1, Item 3: Containment System Capacity:
320 IAC 4.1-34-6(a)(3), 320 IAC 4.1-48-6(b)(3)

Determine the maximum depth of liquid if the containment system contains 10 percent of the total volume of the containers. Consider any displacement due to containers or equipment.

D-1a(4), Page CS-1, Item 5: Removal of Liquids from Containment Systems: 320 IAC 4.1-34-6(a)(5), 320 IAC 4.1-48-6(b)(5)

The revision states that the sump will not be emptied until it is approximately 75 percent full. This would result in what amounts to an open container holding more waste than one of the drums. To alleviate a potential health hazard from fumes and possible ignitable wastes, a lower volume is to be proposed.

The sump must be inspected on a daily basis. The Part B application must reflect this.

D-1b(4) Page CS-1, Item 3: Container Storage Area Drainage:
320 IAC 4.1-34-6(a)(2), 4.1-48-6(b)(2)

The inspection of February 18, 1986, by staff of the Division of Land Pollution Control revealed that the floor of the container storage area does not sufficiently drain liquids to the central sump. Demonstrate how the floor can be changed to promote drainage or how the containers will be managed to prevent contact with standing liquids.

D-2a, Page TS-1, Item 2: Description of Tanks: 320 IAC 4.1-34-7,
320 IAC 4.1-49-2

Provide the following details regarding the blending tank and straining bin at the southwest corner of the drum storage area: dimensions, design capacity, age, construction materials, shell thickness, how shell thickness was determined (see below), previous use, filling/emptying procedures, overfill prevention measures, and foundation materials.

Provide the following information about the remaining storage tanks: age, original thickness, steel grade, and previous use. Also, describe how the shell thicknesses were determined, i.e., number and locations of measured points, and how the final reported results were calculated.

D-2b, Page TS-3, Item 6: Tank Corrosion and Erosion: 320 IAC 4.1-34-7,
320 IAC 4.1-49-3(a)

Maximum shell thicknesses as per comment C6 of the NOD were not provided. Instead, a maximum specific gravity of waste per tank per year was established. The object of the tank corrosion data is to provide a minimum tank shell thickness that may be reached before replacement. The specific gravity used in this calculation is to be based on the maximum specific gravity of waste to be reasonably expected, not back calculated from the original thickness. Specific calculations may have to be provided for each tank based on such factors as size, past use, construction material, and use of agitators.

Sheet No. 30 of the Tank Storage section of the response states that API 650 A4.1 was used as a standard in the shell thickness calculations. However, API 650 A4.2 limits the minimum tank shell

thickness of such tanks to 0.1875 inches. As some tank shells are now thinner than this standard permits, they would have to be replaced or a demonstration provided that the tanks will support the waste and will not suffer from normal operational procedures.

D-2c, Page TS-3, Item 5: Tank Management Practices: 320 IAC 4.1-34-7(d) and (e), 320 IAC 4.1-49-3(b)

Provide the venting capacities of the breather valves. The statement on page TS-3 that the valves are sized to provide emergency venting is not sufficient. Provide the calculations and data to support this statement.

Provide the operating temperature ranges of tank venting and overfill prevention equipment.

Provide the location of the signal control panel shown on Sheet No. 31 of the Tank Storage section of the revision to the Part B application.

Section F-Procedures to Prevent Hazards

F-2b(2)(d): Tank Monitoring Data: 320 IAC 4.1-49-4(a)(2)

Data gathered from tank monitoring devices (e.g., pressure and temperature gauges) must be inspected daily to ensure that the tank is operating according to design specifications.

F-2b(2)(f), Page TS-3, Item 6: Tank Condition Assessment: 320 IAC 4.1-49-4(b)

Provide the schedule and procedure for determining the condition of each tank. The procedure must be adequate to detect cracks, leaks, or wall thinning to less than the sufficient shell thickness. If original shell thicknesses or past uses are unknown, an inspection schedule more frequent than annually may be necessary to determine the rate of corrosion.

F-2b(2)(g), Page TS-3, Item 6: Tank Interior Inspection: 320 IAC 4.1-49-4(b)

Document established procedures for emptying tanks to allow entry and interior inspection to detect corrosion or erosion of tank sides and bottoms.

F-4: Preventive Procedures, Structures, and Equipment: 320 IAC 4.1-34-5(b)(8)

Provide a description of how spills and/or other contaminated run-off from all loading/unloading areas and from blending (thinning) operations at the southwest corner of the container storage area are prevented from leaving these locations.

Section G-Contingency Plan

G-3, Page C-2, Item II: Implementation: 320 IAC 4.1-43-3(a),
320 IAC 4.1-43-7(d)

Define the term "containment area."

Define the term "major spill."

G-4f, Page C-19, Item IV: Spill Control Plan-Storage and Treatment of Released Materials: 320 IAC 4.1-43-7(g)

Provide an updated facility plan which indicates the run-off system and holding ponds currently in use and how this system is designed to prevent further releases.

DAB/cl

STATE OF INDIANA



INDIANAPOLIS 46206-1964

ENVIRONMENTAL MANAGEMENT BOARD

February 21, 1985

1330 West Michigan Street
P. O. Box 1964

VIA CERTIFIED MAIL

Mr. James Tarpo
American Chemical Services, Inc.
P.O. Box 190
Griffith, IN 46319

Dear Mr. Tarpo:


You are hereby notified that the Division of Land Pollution Control of the Indiana State Board of Health has within its files, certain documents submitted on your behalf which are currently being afforded confidential treatment.

As these documents were submitted prior to the promulgation of 320 IAC 6 (a copy of which is enclosed), which deals with the procedures for the submission and handling of confidential information, it is the intention of the Environmental Management Board to return these documents to the public file unless a proper claim under the rule is submitted.

Accordingly, unless a proper claim of confidentiality is filed with this office within thirty (30) days of receipt of this notice, all documents and information not properly submitted under 320 IAC 6 will be returned to the public files. Please use this time to review your file, as all claims of confidentiality must describe with specificity the information requested to be afforded such treatment. You may arrange to view your confidential file by contacting Mr. James M. Garrettson at AC 317/243-5049 or Mr. Jeffrey Stevens at AC 317/243-5046. All confidential files of the Environmental Management Board are located at the Division of Land Pollution Control, 5500 West Bradbury Avenue, Indianapolis, Indiana.

All properly submitted claims will be processed under 320 IAC 6.

Very truly yours,


Ralph C. Pickard
Technical Secretary

JMG/SLH/tr
Enclosures



1B2
American Chemical Service, Inc.

P.O. Box 190
(219) 924-4370

Griffith, Indiana 46030

Chicago Phone (312) 768-3400

JAN 18 3 26 PM '85
DIV. OF LAND POLLUTION CONTROL
STATE BOARD OF HEALTH

January 16, 1985

Mr. Rod Steele
Indiana State Board of Health
Division of Land Pollution Control
1330 West Michigan St.
P.O. Box 1964
Indianapolis, Indiana 46206-1964

Dear Mr. Steele:

In regards to the letter written 13 December 1984 by Mr. Thomas Russell, Chief of Enforcement Section of the Hazardous Waste Management Branch of the Division of Land Pollution Control, the following corrective action has been initiated. As of 20 December 1984, the inspection check list covering the General Area-Inspections #12 contains references to the condition of the security devices. (See attached copy).

Sincerely yours,

John J. Murphy
Vice President
American Chemical Service

JJM/rl

Enclosure

GENERAL AND WASTE FUEL AREA

- Drain off water on Instrument Air Compressor, Dryer Trap and 2-Line Traps
- Check Dryer Suction Pressure Guage (31 to 36 PSIG)
- Check Oil Levels:

- 1.) Instrument Air Compressor (2)
(change oil every 6 months)
- 2.) #24, #11 and #20 Agitator Drives
- 3.) Pump Speed Reducers
 - 5 H.P. @ #11
 - 5 H.P. @ #25
 - 7½ H.P. @ Dock Drum Pump
 - 5 H.P. Waste Fuel Unload
 - 10 H.P. Waste Fuel Unload
 - 10 H.P. Waste Fuel Transfer
 - 25 H.P. Gorator (Waste Fuel)
 - 5 H.P. Tuthill Pump @ #20 (Dock)
- 4.) Seal Oil for #20 Transfer Pump and Waste Fuel Load Pump

- Grease:

- 1.) Air Compressors
- 2.) Waste Fuel Area
- 3.) #24 Area
- 4.) Dock Area

Inspections:

- 1.) Low Charge on Hand Fire Extinguishers
- 2.) Extinguisher Covers
- 3.) Header Steam & Condensate Leaks
- 4.) Header Material Piping Leaks
- 5.) Packing & Seal Leaks
- 6.) Waste Fuel and 24 Tank Leaks
- 7.) Condition of Waste Fuel and 24 Dike Walls
- 8.) Nitrogen Charge & Condition of (3) Dry Chemical 150#
Extinguishers in Plant (Boiler, Waste Fuel and Expoxol Areas)
- 9.) Side Entering Agitator on #25
- 10.) Side Entering Agitators on #200, 201 & 202 TKS
- 11.) Check Tank Farm Drain Valve in 24 Tank Farm
- 12.) Condition of Plant Fence, Security on Gates and Operation of
Motorized Entrance Gate.
- 13.) Condition of Dial 7 Emergency System
- 14.) Check Condition of Lift and Oil Chain at 24

- Complete Inspection Log

1B2

VIA CERTIFIED MAIL

DEC 13 1984

Mr. James Tarpo, President
American Chemical Services
P.O. Box 190, Colfax Avenue
Griffith, IN 46319

Dear Mr. Tarpo:

Re: RCRA TSD Inspection
American Chemical Services
IND 016360265
Letter of Warning

The Environmental Management Board is cooperating with the U.S. Environmental Protection Agency, Region V, in carrying out the provisions of the Resource Conservation and Recovery Act, Public Law 94-580 (RCRA). In this effort, representatives of the Environmental Management Board are conducting inspections of facilities in Indiana that are engaged in the generation, transportation, treatment, storage, or disposal of hazardous waste. In addition to RCRA requirements, facilities are being inspected to determine compliance with Environmental Management Board 320 IAC 4, "Hazardous Waste Management Permit Program and Related Hazardous Waste Management Requirements."

This letter is to inform you that on October 22, 1984, an inspection of American Chemical Services, located at Griffith, Indiana, was conducted by Mr. Ted Warner of the Division of Land Pollution Control, Indiana State Board of Health. You and Mr. Ray Murphy represented your firm at this inspection.

The following concerns pertaining to the operation of your facility were noted:

- | | |
|--|---|
| 1. 40 CFR 265.15
and
320 IAC 4-6-1 | Owner or operator does not inspect security devices. |
| 2. 40 CFR 265.15
and
320 IAC 4-6-1 | Inspection schedule does not identify the types of problems to be looked for during the inspection of security devices. |

3. 40 CFR 265.15
and
320 IAC 4-6-1

Owner or operator does not record inspections
in an inspection log.

As discussed with the inspector during the inspection, your Company should take the following actions to bring yourself into compliance:

1. Inspect all security devices.
2. Identify the types of problems to be looked for during the inspection of security devices in the inspection schedule.
3. Record all inspections of security devices in an inspection log.

Within thirty-five (35) days of receipt of this letter, submit to this office a letter stating the actions your Company has taken to achieve compliance.

Please direct your response to this letter and any questions to Mr. Rod Steele of the Division of Land Pollution Control, Indiana State Board of Health, AC 317/243-5050.

Very truly yours,



Thomas Russell, Chief
Enforcement Section
Hazardous Waste Management Branch
Division of Land Pollution Control

RJS/tr

cc: Lake County Health Department
Ms. Sally K. Swanson, U.S. EPA, Region V
Mr. Ted Warner

tr 4925m 12/12/84